

HOUSE LABOR AND MANAGEMENT MINUTES:

March 10: p. 1, 2, 3 & 4 (Also on Tape 19)
 March 13: p. 6 (Also on Tape 20)
 March 17: p. 3 & 4 (Also on Tape 22)
 March 20: p. 3 (Also on Tape 23)
 March 29: p. 4 (Also on Tape 26)

*ROLS Dictaphone tapes
 No listening device
 available*

Exhibit file contains:

1. "General Information" (re minimum wage): prepared by Marion County Farm Bureau Labor Committee. 1 p.
2. "Minimum Wage Record Keeping Requirements" (seems to have been prepared by Marion Co. Farm Bureau Labor Comm. 4 p.
3. "Summary of Regulations, Jan. 27, 1967 (prepared in Wash. D.C.). 2 p.
4. Address by Clarence T. Lundquist, Admin, Wage & Hour and Public Contracts Divns. U. S. Dept. of Labor, before National Farm Labor Conference, San Francisco, Jan. 10, 1967. 7 p.
5. Printed copy of Engrossed HB 1592, 1965. 8 p.
6. "Memo re ~~Pickard~~ Outside Salesmen" submitted by George Brown. 1 p.

There is also in the "Correspondence - In" folder the following:

1. Letter from Matt Knighton, Manager of United Theatres, Salem, dated 23 Feb. 1967, commenting on the bill. 2 p.

SENATE LABOR AND INDUSTRIES MINUTES:

4 April 24: p. 1, 2, 3 & 4
 plus exhibits attached:

1. Sen. Willner's proposed amendment. 1 p.
 2. Mr. Nilsen's written testimony. 3 p.
 3. Mr. Nilsen's proposed amendment. 1 p.
 4. Statement from Gilliam County Farm Bureau. 1 p.
 5. Statement from Mr. Weimar. 1 p.
 6. Ltr. to Sen. Raymond from Gilliam Co. Farm Bureau. 1 p.
 7. Ltr. to Sen. Raymond from Wm. G. Jaegar, Condon. 1 p.
 8. Copy of newspaper article and charts submitted by Mr. Fujii. 6 p.
- April 26: p. 1, 2, 3, 4, 5, 6 & 7.

plus exhibits attached:

1. FLSA "Summary of Regulations" issued 1/27/67. ² ~~14~~ pgs.
 (Duplicates Items ~~1, 2, 3 & 4~~ of exhibit file from House Labor & Management Committee as listed above).

not found → 2. Mrs. Wingert's prepared testimony. 2 p.

May 1: p. 1 & 2

May 8: p. 1

No Tape

Exhibit file contains:

1. Memo May 1, 1967 from Sen. Atiyeh to Ways & Means Committee requesting consideration of adding to Bureau of Labor's budget an item to cover cost of HB 1340. 1 p.
 2. Northwest Cannery and Freezers Assoc. "500 Man-Day Criteria Survey, April 13, 1966". 2 p.
- 23M, 41E*

HOUSE COMMITTEE ON LABOR AND MANAGEMENT

March 10, 1967

1:00 p.m.

321 State Capitol

Members Present: Rogers, Chm.;
Anunsen, Davis, Hartung, Skelton, Thornton

Delayed: Kennedy, Vice Chm.; Crothers, Leiken, Turner

Excused: Bazett

Witness: Charles B. Gill, Jr., Manager State Compensation Department
Keith Maloney, State Compensation Department
George Brown, Oregon AFL-CIO
Herbert C. Hardy, Oregon Cannery-Packers-Cold Storage Council
John W. Wilson, Council of Organization for Social Progress
Norman O. Nilsen, Oregon Bureau of Labor
Bernie Wingert, Farm Workers Clubs
T. C. Donaca, Associated Oregon Industries
Belton Hamilton, Bureau of Labor
Howard Fujii, Oregon Farm Bureau Federation

HB 1149

245 Chairman Rogers called attention to the amendment drafted by Legislative Counsel Committee which was distributed to the committee. Charles B. Gill, Jr., Manager, State Compensation Department, and Keith Maloney, Assistant Chief Counsel, State Compensation Department, said the amendment clarifies in subsection 1 that there is an exception to the 30 day notification requirement which is set forth in subsection 4.

246 Rep. Skelton moved the adoption of the amendment. The motion carried unanimously with Kennedy, Bazett, Leiken and Turner not present.

Rep. Skelton moved HB 1149 be sent to the floor with a recommendation that it do pass as amended. The motion carried with no dissenting votes; Kennedy, Bazett, Leiken not present.

Public Hearing on HB 1340 - relating to wages and hours of work

247 Rep. Skelton, sponsor of the bill, gave the background to the introduction of the bill. He said the bill is similar to HB 1592 which was introduced in the 1965 session and passed by the House of Representatives.

248 Norman O. Nilsen, Commissioner of Labor, and Belton Hamilton, Chief Counsel of the Bureau of Labor, urged serious consideration of HB 1340. Mr. Nilsen said Oregon has dropped behind other states in providing protection to its workers through a minimum wage and hour law. He said this bill is not ideal because it provides only a bare minimum of protection.

Commissioner Nilsen outlined a few of the reasons this legislation is needed:

- (1) Too many wage earners think they have protection because of the federal wage and hour laws.
- (2) The number of women working in low wage occupations is proportionately higher than the number of men. The jobs of these women are now being threatened by elderly males.
- (3) The bill would act as an economic safety valve to prevent loss of income to those in exposed occupations; namely, the retail trade, service industries, and manufacturing where only one to three people are employed.
- (4) The bill would establish a wage floor below which wages could not slip in mild economic recessions.

249

Belton Hamilton offered amendments to the bill both of a technical and policy nature. He explained each amendment. The amendment on page 2 would delete the definition of employer because that definition does not coincide with the definition for employee. If both definitions were retained in the bill, the effect may be that a person could be employed but the person who employs him may not be an employer under the definition in the bill.

The amendment on page 3 to delete lines 23 and 24 would remove the exemption for agricultural workers. This amendment involves a policy decision to be made by the committee.

The amendments on page 5 are to extend protection of minimum wage and hour legislation to include men.

The amendment on page 7 provides that every employer covered by the Act shall supply a written statement to his employees of hours worked, the rate of pay and the deductions from the employee's pay check. This information would usually be supplied to the employee on his check.

The amendment on page 8 provides civil penalties for any employer who wilfully pays less than the minimum wage. The employee is paid a penalty for any time he has to wait for his pay.

Mr. Hamilton raised one question in addition to the amendments submitted by the Bureau of Labor. He said the new language relating to the selection of the members of the Wage and Hour Commission may provide that the governor shall remove a present commissioner if it should develop that all of the existing commissioners are members of the same political party.

250

Mr. Hamilton discussed employees which would be covered by the bill. He said a person who earns a salary less than \$350 a month but who receives a commission for sales probably would not be exempt from the bill as an outside salesman. Under the bill, including the amendment which brings agricultural workers into its provisions, a person more than 18 years old working on a piece work basis would have to average \$1.25 an hour. If the person is under 18 years of age, this bill would not apply.

251

George Brown, Oregon AFL-CIO, supported the bill. He explained the definition in the bill of outside salesmen. The definition is based on a case cited in US Code Annotated, Title 29, Sec. 213 under Exemptions. He called attention to page 4 of the bill which refers to section 6 instead of section 5. There are other places in the bill which refers to section 6 by mistake.

Mr. Brown discussed two points with the committee. He stated support of the amendments proposed by the commissioner of Labor. He pointed out that the bill changes several sections which relate to the duties and responsibilities of the Wage and Hour Commission. He said it would be a mistake to disregard the years of experience gained under the present Wage and Hour Commission.

Mr. Brown also agrees with the elimination of the exemption for agricultural workers. He emphasized that the legislation is long overdue for the State of Oregon. In answer to a question from Rep. Crothers, Mr. Brown explained what happened to HB 1592 passed by the House in the last session. The bill died in the Senate committee because of the lack of support for a minimum wage bill which did not include agricultural workers.

Rep. Rogers stated that HB 1592 did not include agricultural workers under the hour provisions of the bill but did include them under the wage provisions.

Mr. Brown said the regulation of hours is a difficult thing to accomplish. Inasmuch as he would like to have some regulation of hours for men, Mr. Brown said he would not oppose the bill without such a regulation.

252 John W. Wilson, Council of Organization for Social progress, supported the bill. He explained his organization represents various committees throughout the state which represent low income families. Mr. Wilson endorsed two suggestions already offered to the committee: (1) He urged that the present Wage and Hour Commission be left as it is. (2) His organization endorses the inclusion of agricultural workers in the bill.

Mr. Wilson said the bill represents a bare minimum of protection, but it is a step in the right direction. Rep. Rogers asked Mr. Wilson if his organization has contact with employees in nursing homes. Mr. Wilson said his organization supports an increase in the state welfare allotment for nursing homes. Mr. Wilson stated that he served on the commission which attempted to set a reasonable minimum wage for employees in nursing homes. He said he does not feel employees should be asked to subsidize welfare patients.

253 George Brown clarified the point just raised. He said the amendments to the Fair Labor Standards Act include nursing homes under the Act.

254 Berna Wingert, Farm Workers Clubs, represents the farm workers in the Willamette and Tualatin Valleys. She stated she does not support HB 1340 in its present form with the exemption of agricultural workers because it represents a discrimination against farm workers. If the bill is allowed to pass as it is written, it would set back the effort of people trying to bring agricultural workers out of the state of poverty. Mrs. Wingert supported the amendments proposed by Commissioner Nilsen and George Brown.

255 Herbert C. Hardy, representing Oregon Cannery-Packers-Cold Storage Council, stated that he has no objection to the \$1.25 minimum wage provision of the bill but he does oppose control of hours of employment in seasonal industry. He pointed out the problem which results from a definite maximum work day or week. The federal act preserves the right of employer in seasonal industries to employ an individual more than the maximum work week without paying time and a half in two exemptions. Essentially, they provide for a period of 10 weeks in the aggregate of any one year in which an employer in a seasonal industry can employ more than the maximum hours. After 10 hours per day and 50 hours per week, the rate of pay is time and a half. If the employer can qualify for both exemptions, he can have a 20 week period without paying time and a half.

Mr. Hardy said his organization does not care whether the committee adopts an amendment to the bill along the lines of the federal act or whether it decides to delete the repeal of the section which prohibit the Bureau of Labor from setting special hours.

Mr. Hardy offered to prepare an amendment similar to the federal act if the committee decides this approach. He submitted an amendment which deletes the repeal of ORS 653.265.

March 10, 1967

256 Tom C. Donaca, Associated Oregon Industries, said he is basically opposed to minimum wage and hour laws because they tend to eliminate work and opportunity. However, if the legislature feels it wants this legislation, HB 1340 is acceptable. He urged the committee not to accept any substantial amendments to the proposal.

257 Howard Fujii, representing the Oregon Farm Bureau, endorsed the recommendation made by Mr. Hardy regarding seasonal employment. He urged that if agricultural workers are to be included under the bill, the provisions should be consistent with the Federal Fair Labor Standards Act. With a few exceptions, farm wages range from \$1.25 an hour to \$1.75 and more including housing and other benefits. He said the effect of the minimum wage provision would be to eliminate the opportunity for handicapped and elderly persons to work on farms to supplement their other sources of income. Under the Federal Fair Labor Standards Act, the farmer has realized that he must screen workers and eliminate the low producers during the first day of work. Oregon can compete with other states under the federal act because all states are subject to the same rules. If the committee feels it is necessary to include an agricultural minimum wage, Mr. Fujii recommended that it be consistent with the agricultural minimum application of the Fair Labor Standards Act.

258 Rep. Rogers asked Belton Hamilton to comment on section 2, page 5. Mr. Hamilton explained that the bill does not establish what the maximum work day or week will be. It leaves this decision to the discretion of the Wage and Hour Commission. The Wage and Hour Commission presently has this authority.

The meeting adjourned at 2:30 p.m.

Respectfully submitted,



Loeta Rogers, Clerk

March 13, 1967

Mr. Webster also opposes HB 1524. He said growers in his organization provide adequate housing on the farms and do not prohibit visitors. He explained why the grower can not give the transient pickers the same conditions as the permanent employees. The farmer must reserve the right to terminate tenancy for such reasons as disorderly conduct, inefficiency in work, unwillingness or inability to follow instructions.

- 272 J. R. Bushue, farmer from Boring, Oregon, agreed with Mr. Hawes that HB 1517 is totally impractical. In harvesting his crop, Mr. Bushue uses an average of 600 people a day. He estimated that 200 of them are new every day due to various reasons. He commented on the bonus system. All the advertisements for pickers state the going rate per pound plus a bonus for staying through the season.
- 273 James S. Smart, a cherry grower from Polk County, stated his opposition to HB 1524 on the basis that the farmer may be denied the use of his housing facilities throughout the harvest season if he was required to give a 30-day notice. He said he is not in the landlord business and he furnishes housing rent-free in an effort to stabilize his cherry harvest labor force.
- 274 Mrs. Roy Hathaway, Benton County Farm Bureau, stated her opposition to HB 1524. She said her concern does not involve the migrant help as much as the permanent employees. Often the farmer provides housing to his employees so they can live near the job. If he had to give the tenant 30 day's notice and the employee quit his job, it would mean the farmer would not be able to hire another man for the 30 days.
- 275 B. W. Fullerton, Malheur County Farm Labor Sponsoring Association, feels HB 1524 would make it almost impossible for housing to be supplied to the workers. If the worker could live in the housing without working for the grower, the employer would have to eliminate this type of housing.
- Mr. Fullerton commented on HB 1340. He said the bill would apply to only a small number of people in Malheur County. The few that are not already covered would probably be forced out of work because most of them are people who cannot produce \$1.25 an hour. If the committee feels the minimum wage is needed, Mr. Fullerton urged that it be patterned after the Fair Labor Standards Act.
- 276 Robert May, Oregon-Washington Vegetable and Fruit Growers, opposes HB 1524 for many of the reasons already stated. He said the farmer feels it is his obligation to the other families in the camp to disqualify unsatisfactory individuals from the camp without a 30-day notice. He has asked persons to leave his camp for reasons of excessive use of liquor and immorality.
- 277 Cyril Chambers, representing the Clackamas County Farm Bureau, opposes HB 1524. He said its aim is to elevate the farm worker to a decent social level and the farmer does not object to that purpose. However, the farmer is not able to pass on the additional cost to the consumer. These bills point out the futility of trying to help both the farmer and his co-workers without a workable means of passing on the actual cost, plus a decent living

HB 1528

300

Chairman Rogers explained the chair's position on the amendment to HB 1528 presented by the Oregon Farm Bureau Federation. He said the amendment is not consistent with the intent of the sponsors and should be expressed in a separate bill.

Rep. Skelton moved to add the emergency clause to HB 1528. The motion was adopted by a voice vote.

Rep. Kennedy moved the bill be sent to the floor with a recommendation that it do pass as amended.

Rep. Anunsen discussed the meaning of line 10. There are many high school graduates under 18 who would like to work on construction during the summer but there is no vocational training given in high school.

Rep. Kennedy did not believe the language "or training that the commission considers equivalent thereto," would not take care of this situation.

Rep. Davis suggested including the language following line 10 "or the commission finds that such training can be given on the job."

Rep. Kennedy said the purpose of the bill is to allow some children under 18 to earn money in hazardous occupations after completing satisfactory training. The suggestion to allow training given on the job would change the concept of the bill.

The motion to pass the bill out of committee as amended carried with no dissenting votes; Leiken and Skelton not present.

301

HB 1340

Rep. Anunsen asked George Brown how many people not already covered by the Federal Fair Labor Standards Act HB 1340 would cover. Mr. Brown replied he had tried to get this information and will try again. Before the federal amendments, an estimated 170,000 would be affected.

Rep. Skelton moved to amend HB 1340 on page 3, line 24 after "5" insert "and paid by the amount of work produced or service rendered". The effect of this amendment is to include all farm workers except those paid on a piece rate basis.

After discussion, Rep. Skelton withdrew his motion. He moved on line 18, after "section" insert "6 and" and delete lines 23 and 24 on page 3. The motion failed with Kennedy, Anunsen, Bazett, Davis, Hartung, Leiken, Thornton and Rogers dissenting.

Rep. Bazett moved the adoption of the amendment of the definition of outside salesmen submitted by the Associated Oregon Industries. The motion passed with Leiken and Skelton dissenting; Kennedy not present.

302

Rep. Bazett moved the adoption of the amendment submitted by the Oregon Cannery, Packers and Refrigerated Warehouse Council.

303

Rep. Davis said if this amendment is adopted it would leave no regulation of canners which are not engaged in interstate commerce. The federal law covers canners which are engaged or affected by interstate commerce.

The motion failed with Crothers, Skelton, Thornton, and Turner dissenting; Kennedy and Leiken not present.

Rep. Crothers moved the adoption of the amendments to HB 1340 proposed by the Bureau of Labor.

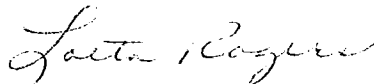
Rep. Davis moved to amend Rep. Crothers' motion to delete the amendments to delete the agricultural exemption and to include regulation for men. Rep. Davis' amendment carried with Skelton dissenting; Kennedy and Leiken not present.

Rep. Crothers' motion to adopt the amendments proposed by the Bureau of Labor passed unanimously; Kennedy and Leiken not present.

Rep. Skelton moved to send HB 1340 to the floor with a recommendation that it do pass as amended. The motion failed with Anunsen, Bazett, Davis, Hartung, and Rogers dissenting; Kennedy, Leiken not present.

The meeting adjourned at 3:00 p.m.

Respectfully submitted,



Loeta Rogers, Clerk

March 20, 1967

309 Tom Donaca, representing the Associated Oregon Industries, said the only way an employer may dispute the compensability of a claim under HB 1557 is to deny the claim. He said the bill would encourage employers to deny claims they would not otherwise deny.

Jerry Dodds, representing the Oregon AFL-CIO and the Industrial Union Council, stated his support of HB 1557 with reluctance because it would tend to restrict the authority of the hearing officer. He said he does not believe the word "denied" in HB 1557 would encourage employers to deny claims they would not otherwise deny because there are other provisions of the law which provide penalties to the employer who denies claims without good reason. Mr. Dodds suggests the hearing officer should be left out of the decision of compromise agreements entirely since his decision is to be reviewed by the board and perhaps the court.

310 Rep. Crothers moved to send HB 1557 to the floor with a recommendation that it do pass.

Rep. Davis said all other rulings of the hearing officer involving denied claims can be brought for review by the board if either or the parties desire. This bill would allow the board to review the hearing officer ruling on a compromise settlement.

Rep. Crothers' motion failed on a tie vote, Anunsen, Bazett, Hartung, Leiken and Rogers dissenting; Thornton not present.

HB 1340

311 Rep. Skelton moved to send HB 1340 to the floor with a recommendation that it do pass as amended.

312 Rep. Anunsen moved to amend Rep. Skelton's motion to include the amendment submitted by the Oregon Cannery, Packers and Refrigerated Warehouse Council. The motion passed with Kennedy, Leiken, Skelton and Turner dissenting.

313 Rep. Crothers moved to amend Rep. Skelton's motion to include an amendment on page 3, line 24, after "657.045" insert "and paid by the amount of work produced or services rendered".

314 Rep. Skelton moved to amend Rep. Crothers' amendment to delete lines 23 and 24 and renumber the subsections to conform to the deletion. The amendment to the motion was not accepted by the chair.

Rep. Crothers' motion to add "and paid by the amount of work produced or services rendered" passed with Bazett, Davis and Rogers dissenting.

315 Rep. Skelton's motion to send HB 1340 to the floor failed on a tie vote, Anunsen, Bazett, Davis, Hartung, and Rogers dissenting.

The committee adjourned at 2:35 p.m.

Respectfully submitted,

Loeta Rogers
Loeta Rogers, Clerk

March 29, 1967

have sizable equipment holdings and are doing private contracting jobs. This practice, he said, is in violation of the concept of the function of a public agency. Mr. Whelan urged that the committee table HB 1584.

355 Rep. Skelton moved to table HB 1584. The motion carried with Bazett and Rogers dissenting.

HB 1134

Rep. Skelton moved to adopt the amendments proposed by Rep. Crothers to HB 1134. The motion carried with Anunsen, Bazett, Davis, Thornton and Rogers dissenting.

Rep. Skelton moved HB 1134 to the floor with a recommendation that it do pass as amended. The motion failed with Anunsen, Bazett, Davis, Hartung, Thornton and Rogers dissenting.

Rep. Anunsen moved to table HB 1134. The motion carried with Kennedy, Crothers, Leiken, Skelton, and Turner voting no.

HB 1340

356 Ivan Congleton, representing Associated Oregon Industries, presented an amendment to HB 1340. He said the amended version of the bill spells out the itemized statement reporting the amount and purposes of deductions to include the reporting of hours worked which is information rarely furnished to the employee. His amendment would provide the same requirements embodied in ORS 652.610.

Rep. Crothers moved to substitute the amendment submitted by the Associated Oregon Industries for the amendment adopted March 17. The motion passed unanimously.

357 Rep. Crothers moved to send HB 1340 to the floor with a recommendation that it do pass as amended. The motion carried with Anunsen, Bazett, Davis, and Rogers voting no.

HB 1516

Rep. Kennedy moved to table HB 1516. The motion carried with Anunsen and Skelton dissenting.

Rep. Skelton explained his vote. He said: The reason I voted no was not because I do not believe the motion to table is not a good one because I think the bill is an unfortunate piece of legislation which someone has been persuaded would be of assistance to the farm workers. I agree with the maker of the motion that if passed it would effectively be a deterrent to their organization, but I do believe they need some assistance in this field and I think the bill could have been amended to give this assistance.

GENERAL INFORMATION

The minimum wage must be paid to every worker who is employed in covered employment in agriculture by an employer who used more than 500 man-days of farm labor in any calendar quarter of the preceding calendar year.

Exceptions to this requirement are listed below;

- (1) Workers who are employed in agriculture by an employer who did not use 500 man-days of farm labor in any calendar quarter of the preceding calendar year;
- (2) Members of the employer's immediate family;
- (3) Hand Harvest laborers paid piece rates in an operation generally recognized as piece work in the region, if (a) they go each day to the farm from their permanent residence, and (b) they have been employed in agriculture less than 13 weeks in the preceding calendar year;
- (4) Migrant hand harvest laborers 16 years of age or under and employed on the same farm as their parents, if (a) they are paid piece rates in an operation generally recognized as piece work in the region, and (b) the piece rate is the same as paid workers over age 16;
- (5) Employees principally engaged in the range production of livestock.

A "man-day" means any day during which an employee performs agricultural labor for not less than one hour. Workers listed in (2) and (3) above are excluded when counting "man-days". (A migrant child 16 and under is exempt (number 4 above) but is included in the 500 man-day count)

The following pages give the necessary record keeping requirements and a suggested system for keeping these records.

Suggested method of keeping minimum wage records. Ticket is filled in by picker and completed at last weigh-in. Ticket is then torn apart and grower files Office Copy part of ticket in a 3" X 5" file.

SAMPLE BEAN TICKET
In books of 50 or 100

Stub is grower's record of
whom the ticket was issued.

H A P P Y F A R M S

Ticket No. _____

NAME _____

Tear Line

Hours Worked		Mr. Mrs. _____	Ticket No. _____		Office Use	
1	2	Soc. Sec. No. _____	Date of Birth _____			
3	4	Date _____	Starting Time _____			
5	6	Home Address _____	Zip _____			
7	8	Name of Parent _____	Weeks worked in Agr. last yr. _____		A A	
9	10	Total Units _____	Rate Per Unit _____		B B	
11	12	Name of Checker _____			C C	
13	14				D D	

Cumulative Earnings

Amount Earned That Day

- Housing Codes:
- A. 1 worker in cabin
 - B. 2 workers in cabin
 - C. 3 workers in cabin
 - D. 4 workers in cabin

- Worker Classification:
- A. Covered by Min. Wage
 - B. Exempt-Immediate family
 - C. Exempt-Less than 13 weeks and commute daily
 - D. Exempt-Migrant child under 17 yrs. old

Happy Farms - Office Copy

41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60
21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20

01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20
01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20
01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20

Tear Line

Tickets can be made for
berries or tree fruits

Ticket is self-adding.

1/1	1/2	Name _____	C	D
11	12	This is your copy - You must leave the office copy with checker at finish of work Day or you will not be Paid	C	D
6	01	Happy Farms	B	B
7	8	Route 1, Box 143	A	A
5	9	Aumsville, Ore.	ADVANCES	
3	4			
1	2			
1		Ticket No. _____		

MINIMUM WAGE RECORD KEEPING REQUIREMENTS

CLASS III

UNDER 500 MAN-DAYS: No records - except:

Minors working during school hours or in "hazardous" occupations:

- (1) Name in full.
- (2) Place where minor lives while employed. If not permanent address, give both addresses.
- (3) Date of birth.

MINIMUM WAGE RECORD KEEPING REQUIREMENTS

CLASS II

IF MORE THAN 500 MAN-DAYS CAN REASONABLY BE ANTICIPATED: (not counting members of immediate family and hand-harvest piece-rate commuters from permanent residence working less than 13 weeks during preceeding year)
Maintain and preserve payroll records information for each worker:

- (1) Name in full (same as Social Security)
- (2) Home address including Zip Code
- (3) Sex and occupation
- (4) Symbols or other identification, if exempt:
 - (B) Member of immediate family
 - (C) Hand-harvest piece-rate workers commuting from permanent residence, less than 13 weeks of agricultural employment during previous year
 - (D) Migrant children under 17, hand-harvest piece-rate working on same farm as parents, paid same rates.
 - (E) Range livestock employees
- (5) Number of man-days for each employee each week or each month, except (4) B & C above.

A statement from each hand-harvest piece-rate employee commuting from permanent residence working less than 13 weeks during previous year showing the number of weeks employed in agriculture during the previous year.

For hand-harvest piece-rate migrant children working on same farm as parents, paid same piece rate:

- (1) Name in full
- (2) Home address, including Zip Code
- (3) Sex and occupation
- (4) Symbols or other identification. If exempt, see (4) above.
- (5) Number of man-days for each employee each week or each month
- (6) Date of birth
- (7) Name of parent or guardian

For minors under 18, other than own child or child in employer's custody, employed while school is in session or in "Hazardous" occupation:

- (1) Name in full
- (2) Place where minor lives while employed. If other than permanent address, give both addresses
- (3) Date of birth

Keep records on workers furnished by a crew leader or contractor. (May be copy of contractor's records containing required information.)

MINIMUM WAGE RECORD KEEPING REQUIREMENTS

CLASS I

OVER 500 MAN-DAYS IN ANY QUARTER - Keep records for the entire year (except for immediate family, hand-harvest piece-rate worker commuting daily from permanent residence, employed in agriculture less than 13 weeks, and range livestock employees):

- (1) Name in full (same as Social Security)
- (2) Home address, including Zip code
- (3) Sex and occupation
- (4) Symbols or other identification, if exempt:
 - (B) Member of immediate family
 - (C) Hand-harvest piece-rate workers commuting from permanent residence, less than 13 weeks of agricultural employment during previous year
 - (D) Migrant children under 17, hand-harvest piece-rate working on same farm as parents, paid same rates.
 - (E) Range livestock employee
- (5) Number of man-days for each employee each week or each month, except (4) B & C above.

AND:

- (1) Time of day and day of week on which the employee's workweek or the workweek for all employees begins.
- (2) Basis on which wages are paid (such as "\$1.30 per hour"; "\$15 a day"; "piece work".)
- (3) Hours worked each workday and total hours worked each workweek.
- (4) Total daily or weekly earnings.
- (5) Total additions to or deductions from wages paid each pay period.
- (6) Total wages paid each pay period.
- (7) Date of payment and pay period covered by payment.

A statement from each hand-harvest piece-rate employee commuting from permanent residence working less than 13 weeks during previous year showing the number of weeks employed in agriculture during the previous year.

For hand-harvest piece-rate migrant children working on same farm as parents, paid same piece-rate:

- (1) Name in full
- (2) Home address including Zip Code
- (3) Sex and occupation
- (4) Symbols or other identification. If exempt, see (4) 1st paragraph above.
- (5) Number of man-days for each employee each week or each month
- (6) Date of birth
- (7) Name of parent or guardian

For minors under 18, other than own child or child in employer's custody, employed while school is in session or in "Hazardous" occupation:

- (1) Name in full
- (2) Place where minor lives while employed. If other than permanent address, give both addresses
- (3) Date of birth

Keep records on workers furnished by a crew leader or contractor. (May be copy of contractor's records containing required information.)

516.32 Employees employed in agriculture.

(a) No records, except as required under paragraph (f) of this section, need be maintained by an employer who used fewer than 500 man-days of agricultural labor in every quarter of the preceding calendar year, unless it can reasonably be anticipated that more than 500 man-days of agricultural labor (including agricultural workers supplied by a labor contractor) will be used in at least one calendar quarter of the current calendar year.

(b) If it can reasonably be anticipated that the employer will use more than 500 man-days of agricultural labor (including agricultural workers supplied by a labor contractor but not counting members of the employer's immediate family and hand harvest laborers as defined in section 13(a)(6)(B) of the Act), the employer shall maintain and preserve payroll records containing the following information with respect to each worker:

(1) Name in full. This shall be the same name as that used for Social Security purposes.

(2) Home address, including zip code.

(3) Sex and occupation in which employed (sex may be indicated by Mr., Mrs., or Miss).

(4) Symbols or other identifications separately designating those employees who are (i) members of the employer's immediate family as defined in section 13(a)(6)(B) of the Act, (ii) hand harvest laborers as defined in section 13(a)(6)(C) or (D), and (iii) employees principally engaged in the range production of livestock as defined in section 13(a)(6)(E).

(5) For each employee, other than members of the employer's immediate family and hand harvest laborers as defined in sections 13(a)(6)(B) and (C) of the Act, the number of man-days worked each week or each month. (A man-day is any day during which an employee does agricultural work for 1 hour or more.)

(c) For the entire year following a year in which the employer used more than 500 man-days of agricultural labor in any calendar quarter, exclusive of members of the employer's immediate family and hand harvest laborers as defined in sections 13(a)(6)(B) and (C) of the Act, he shall in addition to the records required by paragraph (b) of this section maintain and preserve the following records with respect to every employee (other than members of the employer's immediate family, hand harvest laborers and livestock range employees as defined in sections 13(a)(6)(B), (C), (D), and (E) of the Act):

(1) Time of day and day of week on which the employee's workweek or the workweek for all employees begins.

(2) Basis on which wages are paid (such as "\$1.30 an hour"; \$15 a day"; "piece work".)

(3) Hours worked each workday and total hours worked each workweek.

(4) Total daily or weekly earnings.

(5) Total additions to or deductions from wages paid each pay period.

(6) Total wages paid each pay period.

(7) Date of payment and pay period covered by payment.

(d) In addition to other required items, the employer shall keep on file with respect to each hand harvest laborer, as defined in section 13(a)(6) (C) of the Act for whom exemption is taken, or who is excluded from the 500 man-day test, a statement from each such employee showing the number of weeks he was employed in agriculture during the preceding calendar year.

(e) With respect to hand harvest laborers as defined in section 13(a)(6) (D), for whom exemption is taken, the employer shall maintain in addition to subparagraph (1) through (5) of paragraph (b) of this section, the date of birth and name of the minor's parent or person standing in place of his parent.

(f) Every employer (other than a parent or guardian standing in the place of a parent employing his own child or a child in his custody) who employs in agriculture any minor under 18 years of age on days when school is in session or on any day if the minor is employed in an occupation found to be hazardous by the Secretary shall maintain and preserve records containing the following data with respect to each and every minor so employed:

(1) Name in full,

(2) Place where minor lives while employed. If the minor's permanent address is elsewhere, give both addresses,

(3) Date of birth.

(g) In any week in which a farmer uses agricultural workers supplied by a crew leader or other type of labor contractor, he shall maintain the records required by this section whether or not he pays the workers directly. (This may consist of copies of the contractor's records which contain the required information.)

Signed at Washington, D.C. this 31st day of December 1966.

Clarence T. Lundquist
Administrator

C O P Y

U.S. DEPARTMENT OF LABOR
Wage and Hour and Public Contracts Divisions
Washington, D.C. 20210

Address By
CLARENCE T. LUNDQUIST, ADMINISTRATOR
Wage and Hour and Public Contracts Divisions

Before
1967 National Farm Labor Conference
Jack Tar Hotel
San Francisco, California
January 10, 1967

It is an honor to be participating in your 1967 National Farm Labor Conference. An important part of my job is to make known to all segments of the public how the Fair Labor Standards Act affects them. This opportunity to advise you on the effect the 1966 amendments to the Act will have on operations in agriculture is particularly appreciated.

Agriculture defined
First, I should like to stress that the definition of "agriculture" has not changed. "Agriculture" means farming in all its branches, including the cultivation and tillage of the soil, dairying, the production, cultivation, growing and harvesting of agricultural and horticultural commodities, the raising of livestock, bees, fur-bearing animals and poultry. This is "primary" agriculture or the basic farm work involved in raising crops. Agriculture within the meaning of the Act also includes "secondary" agriculture: practices such as forestry or lumbering operations, preparation for market, delivery to storage or market, or to carriers for transportation to market, which are performed by a farmer or on a farm incidental to or in conjunction with the farming operations conducted on that farm. Work done for a farmer on his farm by employees of an independent contractor such as a grain threshing, sheep shearing, or crop dusting crew is included.

Usually agricultural workers are engaged in the production of goods for interstate commerce, as almost all of the crops on which they work are shipped out of the State, either in the same form or after being processed. In addition, employees of enterprises with gross annual sales volume or business done of \$500,000 are covered, beginning February 1, 1967. Enterprises with an annual gross volume of \$250,000 or more will be covered beginning February 1, 1969. The definition of "enterprise" remains essentially unchanged, and a discussion will be found in our Interpretative Bulletin, Part 779.

Rate
What Congress did was to separate out of the presently exempt agricultural employment approximately 390,000 farm workers who will be entitled to a minimum wage (of \$1.00 an hour beginning February 1, 1967; \$1.15 the following February 1; and \$1.30 beginning February 1, 1969) if they are employed by an employer who used more than 500 man-days of agricultural labor in any calendar quarter of the preceding calendar year, unless otherwise exempt. Farm employees are still exempt from the overtime provision.

Man Day
This extension of coverage was accomplished by delimiting the Section 13(a)(6) minimum wage and overtime exemption. A "man-day" is defined as any day during which an employee performs any agricultural labor for not less than one hour. Five hundred man-days is approximately the equivalent of seven employees employed full-time in a calendar quarter. However, the calculation of man-days is not a simple count of all workers on a farm.

Two groups excluded from the "man-days" count are the employer's parent, spouse, child or other members of the employer's immediate family and local, daily commuting, hand-harvest pieceworkers who worked in agriculture less than 13 weeks in the preceding calendar year. For the purpose of determining what counts toward this 13-week test, each period of seven consecutive days in which the individual has been engaged in any agricultural labor on one or more days is included, provided he was so engaged for at least one hour on some day in that period.

*Exclusions
from 500 Man-days*

Farm employees who are exempt from the minimum wage under Section 13(a)(6) of the Act as amended are those employees who work for an employer who did not use more than 500 man-days of agricultural labor during any calendar quarter of the preceding calendar year; or are members of the employer's immediate family; or are local hand-harvest pieceworkers who commute daily from their permanent homes and had been employed less than 13 weeks in agriculture during the preceding calendar year; or are migrants 16 years old or under employed on the same farm as their parents as hand-harvest pieceworkers, if paid the same rate as the adult workers; or are employed in the range production of livestock.

Exempt

It will be noted that the man-days of agricultural labor used by an employer, within the meaning of the Act, are not necessarily identical with the man-days of such labor by employees to whom he may owe a minimum-wage obligation as an employer under the Act. If a cattle rancher, for example, in a particular calendar quarter uses 200 man-days of agricultural labor in his operations which is performed by individuals principally engaged in the range production of livestock, and 400 man-days of agricultural labor performed by individuals not so engaged, he is required to pay the minimum wage to his nonexempt employees in the following year because he has used more than 500 man-days of agricultural labor in such calendar quarter even though the Act imposes no obligation to pay the minimum wage to any employee principally engaged in the range production of livestock.

*Some Exempt
in 500 Man-days*

It was the intention of Congress that the minimum wage provisions of the Act be extended to certain sharecroppers and tenant farmers. The test of coverage for these persons will be the same test that is applied under the Act to determine whether any other person is an employee or not. Coverage is intended in the case of certain so-called sharecroppers or tenants whose work activities are closely guided by the landowner or his agent. Those individuals called sharecroppers and tenants whose work is closely directed and who have no actual discretion in the operations are in fact employees by another name. True independent-contractor sharecroppers or tenant farmers who actually control their farm operations are not employees, but if they employ other workers they may be responsible as employers under the Act.

*Sharecroppers
Tenants*

In determining whether such individuals are employees or independent contractors, the criteria laid down by the courts in interpreting the Act's definitions of employment, such as those enunciated by the Supreme Court in Rutherford Food Corporation v. McComb, will be utilized. This case, as well as others, made it clear that the answer to the question of whether an individual is an employee or an independent contractor under the definitions in this Act lies in the relationship in its entirety, and is not determined by common law concepts. It does not depend upon isolated factors but on the "whole activity." An employee is one who as a matter of economic reality follows the usual path of an employee. Each case must be decided on the basis of all facts and circumstances, and as an aid in the assessment, one considers such factors as the following: (1) the extent to which the services rendered are an integral part of the principal's business; (2) the permanency of the relationship; (3) the opportunities for profit or loss; (4) the initiative, judgment, or foresight exercised by the one who performs the services;

(5) the amount of investment; and (6) the degree of control which the principal has in the situation.

Where a tenant farmer or a sharecropper is found to be an employee, it seems clear that he and any members of his family who work with him on the crop are also to be included in the 500 man-day count of the owner or operator of the farm. Thus, where a sharecropper is an employee and his wife and children help in chopping cotton, all the family members are employees of the farm owner or operator and all their man-days of work are counted. All man-days of agricultural labor used by an agricultural employer on his farms, except those expressly excluded by the Act, must be counted in determining whether the 500 man-day test is met.

Crews
Many questions have been asked about custom work and contract labor under this law. In this type of situation, we start first with the question of employment relationship. A crew leader who merely assembles a crew and brings them to the farm to be supervised and paid directly by the farmer, and who does the same work and receives the same pay as the crew members, is an employee of the farmer, and both he and his crew are counted as such and paid accordingly if the farmer is not exempt under the 500 man-day test. The situation is not significantly different if, under the same circumstances, the crew is hired at so much per acre for their work. This is in effect a group piecework arrangement.

Custom work
The situation is entirely different, however, in the case of such custom work as crop dusting or grain harvesting and threshing. In these cases the contractor has a substantial investment in equipment and his business decisions and judgments materially affect his opportunity for profit or loss. In the overall picture, the contractor is not following the usual path of an employee, but that of an independent operator. We would generally consider an individual who does such custom work as crop dusting or harvesting grain by means of combines as an independent contractor. The same would be true of other contractors whose activities come within the definition of agriculture because they are doing work on a farm for the farmer as an incident to the farming operations on such farm. Whether the contractor's employees would be included in the count under the 500 man-day test will depend on whether the work they perform constitutes man-days of agricultural labor "used" by the farmer within the meaning of the Act. The fact that Congress chose the word "used" rather than "employed" and that such labor is actually used in production of the farmer's crop, must be considered in the light of the pertinent legislative history in determining the answer to this question. Although this is a question that can be finally determined only by the courts, we are studying it carefully in order to formulate an administrative interpretation by which the Department will be guided in the absence of such an authoritative determination.

Joint Employer Relationship
Under the tests of employment relationship, there will be crew leaders who supply agricultural labor who will, on analysis, be found to be independent contractors. This does not necessarily mean, however, that the farmer has no responsibility toward the crew leader's workers. In many such situations there may be a joint employment relationship; that is, joint responsibility on the part of both the crew leader and the farmer. This type of contractor is usually engaged in primary agriculture, as his work and that of his crew is an essential part of the farmer's basic agricultural work, that of planting and harvesting. The employment by one employer (the crew leader) is not disassociated from employment by the other employer or employers (the farmers) but is rather the same or one employment. The relation between the crew leader and the farmer frequently meets criteria for the joint-employer relationship as described in the Divisions' Interpretative Bulletin, Part 791. The statement in this Bulletin which is particularly appropriate is "a joint employment relationship generally will be considered to exist where the employers are not completely disassociated with respect to the employment of a

particular employee and may be deemed to share control of the employee, directly or indirectly, by reason of the fact that one employer controls, is controlled by, or is under common control with the other employer."

It seems plain that the employees in such a joint-employer situation would be counted in the 500 man-day test for both the crew leader, as a user of agricultural labor, and for any farm operator on whose farms they work in the calendar quarters when their labor is used on such farms. In any given situation, since both the crew leader and farm operator would be considered employers, the highest number of man-days used by either one in the peak quarter of the previous year would determine the coverage status of the crew members. However, a farmer who used less than 500 man-days of agricultural labor in the preceding year, including the labor of such a crew, would have no minimum wage obligations to the crew members, even if their crew leader had such obligations because he used more than the 500 man-days of agricultural labor in the previous year.

Since, in many instances, farm workers get their meals, lodging and possibly other facilities, I shall refer to Section 3(m) of the Act which provides that "wages paid to any employee includes the reasonable cost, as determined by the Secretary of Labor, to the employer of furnishing such employees with board, lodging or other facilities, if....customarily furnished by such employer to his employees...." The Secretary is authorized to determine the fair value of such board, lodging, or other facilities. In Regulations, Part 531, reasonable cost is defined as actual cost to the employer without a profit. This would be the cost of operation and maintenance, depreciation, and not more than 5 1/2% interest on the depreciated capital but in no case more than the fair rental value or the fair price of the facilities offered for sale. Not only must the employee receive the benefits of the facility for which he is being charged but his acceptance of the facility must be voluntary and uncoerced. A point to remember is that the facilities must be offered for the benefit of the employee and not for the benefit or convenience of the employer. In the ordinary case, the employer may treat as wages the reasonable cost or fair value of board, housing, fuel and a garden plot furnished the employee. Where such facilities as a house and garden plot are furnished to a family that has several members working on the employer's farm during the year, no more than the amount representing the reasonable cost to the employer, or the fair value, can be charged to the entire family occupying the house.

Now a word about the employment of minors. A basic 16-year minimum age applies to the employment of children in agriculture during the hours schools are in session in the school district where the minor lives while so employed. Minors under 16 may be employed outside school hours and during vacations provided they are not employed in an agricultural occupation found hazardous by the Secretary of Labor for the employment of minors under such age. None of these standards apply to minors employed by their parents or guardians provided they are employed on a farm owned or operated by the parents or guardians.

No hazardous agricultural occupations orders have been issued as yet. This authority was given the Secretary of Labor under the 1966 Amendments. The tentative time table for the issuance of such orders is the early spring of 1967. Careful studies are being made to determine those agricultural occupations that are the most dangerous for the employment of minors under 16. Consultation is being undertaken with representatives of farm groups, specialists in agricultural safety, and others with knowledge in this field. Before any final orders are issued interested parties will be given ample opportunity to comment on the proposals..

Age
Certificates

It will be important for farmers to know whether minors who claim to be 16 or 17 years of age are in fact that old when they are being employed in situations where the minimum age is 16. Farmers may protect themselves from unintentional violation of these standards by obtaining age certificates for such 16 and 17 year old employees. Age certificates issued under State child labor laws are acceptable as proof of age in 45 states, the District of Columbia and Puerto Rico. Federal Certificates of Age are issued by the Wage and Hour and Public Contracts Divisions in Texas, Idaho, Mississippi, and South Carolina since these States have no certificate system provided under the State child labor laws.

Records

Recordkeeping requirements have been proposed by publication in the Federal Register in the form of amendments to Regulations, Part 516. Public comment on this proposal must be submitted by February 6, 1967. Records kept in accordance with the proposed requirements, on and after February 1, 1967, pending adoption of the amendments to the regulations in their final form, will be considered as in compliance with the Act.

It has been estimated that only about 1 percent of the farmers in the country are being brought within the coverage of the Act. The proposed recordkeeping requirements have been designed so that only a small number of farm operators will have to keep any records and they will have to record only the minimum amount of information necessary to show compliance with the law.

✓ Only those employers who are likely to utilize more than 500 man-days of agricultural labor (with the permitted exceptions from the count) will have to record each employee's name and address and a count of the man-days of labor.

✓ Only those employers who utilized more than 500 man-days of agricultural labor in any calendar quarter of the previous calendar year will have to, in addition, record for each employee to whom the minimum wage provisions apply, the hours worked each day and each week, the wages paid and additions to or deductions from the wages.

✓ Records where required must list each worker individually. It will not be sufficient to list merely the name of the head of the family, for instance, and include his family as part of his unit of work. Employers who claim exemption for certain hand-harvest laborers can support their claim by obtaining for their records a statement from each employee showing the number of weeks he was employed in agriculture during the previous calendar year.

✓ The records should also show the date of birth of any minor child under 18 who is employed on a school day or at any time in an occupation found by the Secretary of Labor to be hazardous. Date of birth and name of parent or guardian must also be recorded for any minor who is a migrant hand-harvest pieceworker 16 or under for whom exemption from the minimum wage provisions is claimed.

The Regulations, Part 516, as proposed, do not prescribe a special form of record. They specify only the items which must be included and that the records be accurate. Records kept for other purposes will suffice if they contain the necessary information. If the required records are kept by a labor contractor, the farm operator need only preserve a copy.

110 ✓ An official poster containing a "Notice to Employees," furnished by our offices, must be posted conspicuously where the employees can readily see it. This poster contains basic information about the Fair Labor Standards Act. We have mailed this poster and other information to about 28,000 farm operators.

Administrative Employees

There is an exemption from the minimum wage and overtime for bona fide executive, administrative, and professional employees. A farm manager, for instance, whose primary duty is the management of the operation in which he is employed or of a customarily recognized subdivision thereof; who customarily and regularly directs the work of two or more other employees; has the authority to hire, fire or recommend action regarding the status of other employees; customarily and regularly exercises discretionary powers; spends not more than 20 percent of his hours of work in the workweek in activities not directly related to his primary responsibilities; and who is paid not less than \$100 a week would be exempt as an executive. The salary requirement is exclusive of board, lodging, or other facilities. Regulations, Part 541, discusses the application of this exemption in detail.

Of course, where agricultural workers are being paid at least \$1 per hour, the application of the law is greatly simplified. The man-day count is readily obtained from the records showing the hours worked each day by each employee and there need be no concern about special exemptions for particular employees.

each workweek

Migrant Children Exempt

Many questions have been asked about the minimum wage requirement. It is important to keep in mind that the Act takes a single workweek as its standard and does not permit averaging of hours over two or more weeks. An employee who is entitled to the \$1 an hour minimum wage must receive not less than \$1 for every hour worked in each workweek. Thus, if such an employee works 60 hours in one week and 30 hours in another, he cannot be paid a \$50 straight salary. In the week in which he worked 60 hours, he must receive at least \$60. This is true whether he is paid on a daily, weekly, monthly or other basis. An employee who is paid on a piecework basis must earn or receive at least the minimum wage, for each hour worked. If he doesn't earn at least the minimum wage, computed by adding his earnings from piece rates and dividing this by the hours worked in the week, the employer must "make up" the earnings to the statutory minimum. There is an exception, however, in the case of migrant minors working on the same farm with their parents in hand-harvest labor at the same piece rates as those paid adults, where the operation is recognized in the region as one customarily and generally paid at piece rates. There is nothing in the Act to prevent an employer from paying a straight salary to an employee who is exempt only from the overtime pay requirements, provided the salary plus the reasonable cost of facilities furnished will yield the employee not less than the minimum wage in every workweek. The employer cannot offset payments for hours not worked in short weeks during the off season against extra hours worked in the busy season. Also, an employer may not pay such an employee an amount that yields less than the minimum wage each week, and then pay a bonus at the end of the year to bring the wages up to the minimum. Compliance with the Act is not achieved unless the wages paid the employee on the regular payday for the pay period are sufficient to meet the minimum wage. This rule also applies to share croppers who are held to be employees, and who may not receive full payment until the end of the year when the account with the owner or operator of the farm is settled.

In determining what hours must be considered as working time in order to measure compliance with the minimum wage, the Divisions will follow the present Interpretative Bulletin, Part 785, on hours worked. The general rule is that working time includes all time the employee spends working on his job, and all time he is required to be at his place of work or on duty. Normal travel from home to work and return is not work time.

Travel

An employee who travels from home before his regular workday and returns to his home at the end of the workday is engaged in ordinary home to work travel which is a normal incident of employment, whether he works at a fixed location or at different job sites. To illustrate, in a situation where a grower transports his laborers from a nearby town to his farm before the start of the workday and returns them at

the end of the workday, the time spent in such travel would not be counted as work-time where such transportation is offered solely for the convenience of the employees and there was no requirement that they gather at the pickup place for the purpose of receiving instructions. This would be true whether the laborers were picked up at their houses or at general assembly areas in the town. The time spent by the grower's driver in such activities would be counted as worktime.

Range Defined
The exception from the minimum wage for employees principally engaged in the range production of livestock will be of interest to some employers. At this point I will discuss only the term "range." This has been defined generally as land that is not cultivated. It is land that produces native forage for animal consumption, and includes land that is re-vegetated naturally or artificially to provide a forage cover that is managed like range vegetation. "Forage" as used here means "browse" or herbaceous food that is available to livestock or game animals.

The range may be on private or Federal or State land, and need not be open. Typically it is not only noncultivated land, but land that is not suitable for cultivation because it is rocky, thin, semi-arid, or otherwise poor. Typically, also, many acres of range land are required to graze one animal. By its nature, range production of livestock is most typically conducted on areas of thousands of acres. Employees principally engaged in range production, such as sheep herders, are often away from headquarters for weeks at a time, on the range. Thus, the pasture area or woodlot of a 640 acre farm or a farm covering several sections, is not considered as "range." The range production must be of "livestock." Not included in the exception is the raising of turkeys that are not penned in but allowed to range on the farm.

Other Work
Sometimes employees are not exclusively engaged in agriculture. They may spend part of their workweek in a packing shed on the farm where they handle produce grown on farms other than their employer's. Or, they may spend part of the week in a processing plant. When this happens, other wage and hour standards come into play and other special exemptions for agricultural processing may be considered. Since the concern of this meeting is the application of the Fair Labor Standards Act to hired farm workers, I will not go into detail about the situations where employees are engaged in processing agricultural commodities.

Employees covered by the minimum wage provisions of the Act are also covered by the provision on equal pay, which requires that employees of one sex must be paid the same rates as those of the opposite sex for doing work in the same establishment on jobs requiring equal skill, effort, and responsibility which are performed under similar working conditions.

Certificates Full-time Students - Handicapped Workers
There is just one more provision which I will mention before I open the floor to questions and that concerns the employment under Section 14 of certain full-time students and handicapped workers at special minimum rates lower than the statutory minimum under certificates issued by the Administrator. Such certificates are issued only to the extent necessary to prevent curtailment of employment opportunities. The full-time students under this special certificate could be employed, in compliance with applicable child labor laws, on a part-time basis in agriculture, but not to exceed 20 hours in any workweek, or on a part or full-time basis during school vacations, at a wage rate not less than 85 percent of the applicable minimum wage. Handicapped workers can, by regulation or order of the Secretary, in order to prevent curtailment of employment opportunities, be employed under special certificates at rates which are commensurate with those paid non-handicapped workers in the vicinity for essentially the same type, quality and quantity of work. Applications for such certificates are made locally, at our Regional or District Offices. Proposed regulations with respect to full-time students have been published in the Federal Register. Public comments on these proposals must be submitted by Feb. 6, 1967.

Perhaps, at this time, you will have various points which I may be able to clarify.

HB 1340

HB 1340

Amendments to HB 1340

Amendments File

CORRESPONDENCE from Milchor M. Robles

Correspondence--In File

submitted by George Brown

MEMO RE - OUTSIDE SALESMEN

HB 1340

US Code Annotated, Title 29, Sec. 213 ^{under} ~~mn~~ Exemptions states:

(1) any employee employed in a bona fide executive, administrative, or professional capacity (including any employee employed in the capacity of academic administrative personnel or teacher in elementary or secondary schools), or in the capacity of outside salesman (as such terms are defined and delimited from time to time by regulations of the Secretary, subject to the provisions of the Administrative Procedure Act, except that an employee of a retail or service establishment shall not be excluded from the definition of employee employed in a bona fide executive or administrative capacity because of the number of hours in his workweek which he devotes to activities not directly or closely related to the performance of executive or administrative activities, if less than 40 per centum of his hours worked in the workweek are devoted to such activities).

Wirtz v. Charleston Coca Cola Bottling Co., 356 F2d 428 (1966)

Wirtz v. Edisto Farms Dairy, 242 F Sup 1.

This case recites the regulation subject to the provisions of the Administrative Procedure Act, as set out in Paragraph 1 of subsection, Exemptions, ~~under~~ ~~Under 29, 213 of the USGA provides as~~ follows: Under the Regulations of the Department of Labor, 29 CFR 213 of the USGA provides as follows:

"The term 'employee employed,* * *in the capacity of outside salesman' in section 13(a)(1) of the act shall mean any employee:

"(a) Who is employed for the purpose of and who is customarily and regularly engaged away from his employer's place or places of business in:

(1) Making sales within the meaning of / section 3(k) of the act, or

(2) Obtaining orders or contracts for services or for the use of facilities for which a consideration will be paid by the client or customer; and

(b) Whose hours of work of a nature other than that described in paragraphs (a)(1) or (a)(2) of this section do not exceed 20 percent of the hours worked in the work week by nonexempt employees of the employer:// Provided, that work performed incidental to and in conjunction with the employee's own outside sales or solicitations, including incidental deliveries and collections, shall not be regarded as nonexempt."

Section 3(k) of the Act defines "sale" or "sell" includes any sale, exchange, contract to sell, consignment for sale, shipment for sale, or other disposition."

March 8-1967

Dear Joe Roger,

rec'd
3-9

I am writing this letter

because I am concern ~~use~~ farm worker

I hope that you will give special
attention to this Bill and include
us farm worker in it this is

H.B. 1340

thank you

Melchor M Robles

UNITED THEATRES

542 STATE STREET ☆ SALEM, OREGON 97301

PHONE 363-5050

- Elsinore
- Capitol
- Salem Drive In
- Knighton

23 February 1967

Honorable Keith D. Skelton, Member
House of Representatives
State Capitol
Salem, Oregon 97310

Re: House Bill 1340

Dear Mr. Skelton:

I am the manager of the Salem theatres owned and operated by United Theatres, Inc., of Portland. The head of this organization is the President of the Oregon Theatre Owners Association, and has asked me to write you.

I have looked over your H. B. 1340. I am no lawyer, but noticed a few things about which I would like to comment.

On page 4, line 27, and on page 6, line 6, and on page 7, lines 7 and 23, did you not mean to refer to section 5 of the act, rather than to section 6?

Again, in section 5, on page 5, in line 6, the phrase "other types of persons" seems a bit ambiguous since section 4 refers to persons 18 years of age or older, section 5 (1) refers to persons over 65 years of age, and section 16 refers to minors. It seems to me this ambiguity could be cleared up if on page 5, in line 6, after "of", the words "other types of" could be deleted. I noted that the term "minor" is defined in section 1 as being a person under 18.

The motion picture theatre industry has traditionally offered part-time employment to young people, not yet adults, who are both over and under 18 years of age. Most of these want to be on an employment list for work after school, and when the spirit moves them. It is always necessary to have a corps of "reserves" available if a more-or-less regular usher or usherette should decide to attend a school game, or have a date, etc., instead of working. These are nice kids most of whom need the extra money they can earn this way, for extra clothes, a party suit or dress, expense money to attend a school game out of town, for school supplies, etc. When they have gotten what they started to work for, they usually quit until they need something else. All theatre managers try to limit their work to such an extent that it will not interfere with the

quality of their school work.

The exhibitors outside the Broadway area in Portland usually charge low admission costs. While any good cashier, or concession stand employee, is admittedly worth at least \$1.00 per hour, it will work a hardship on the small exhibitors even in Portland, and on all local exhibitors outside of Portland, to pay the proposed minimum wage to ushers or usherettes.

We just hope that the law will make it clear to the Wage and Hour Commission that it can establish less-than-minimum wages for this class of employees - whether 13 or over, or under 18 years of age - in this industry. It will then be up to us to make our case before the Commission.

I would appreciate it if you would ask the Clerk of the House Committee on Labor and Management to give me notice of any hearings on this Bill, so that I can personally answer any questions you or the Committee might have.

Respectfully submitted,

Matt Knighton

Matt Knighton

MK:rt

cc: Other members, and Clerk, House Committee on Labor and Management.

SENATE COMMITTEE ON LABOR AND INDUSTRIES

April 24, 1967

9:05 a.m.

401 State Capitol

Members present: Atiyeh, chairman; Lent, vice chairman
Chapman, Fadeley, Inskeep, Raymond

Excused: Stadler

Witnesses: Senator Don S. Willner
Norman O. Nilsen, Commissioner, Bureau of Labor
Fred E. Robinson, Park and Shop, Medford, Jackson
County
J. Z. Weimar, Gilliam County Farm Bureau
Howard Fujii, Oregon Farm Bureau Federation

SUMMARY OF MEETING:

I. House Bill 1340 - Establishes a state minimum wage of \$1.25 per hour, applying to workmen employed in the State of Oregon; exempts certain classes of employees, gives Wage and Hour Commission rule-making power regarding certain classes of employees. Provides penalties.

A. Sen. Willner's testimony in support:

1. Will support the bill on the floor as it now reads with the House amendments.
 - (a) Would do so with extreme reluctance because by excluding piece workers, we are excluding most of the agricultural work that is done in Oregon.
2. Submitted proposed amendment (Item 1 attached).
 - (a) Says amendments would protect the family farmer without giving the large "agri-business" farmer additional exclusions.
3. States benefits (unemployment compensation, etc.) which do not now protect migrant farm workers and warns that if the Oregon Farm Bureau Federation offers amendments which would emasculate the bill, the committee take a look at what equality under the law means.
4. In response to question by Sen. Raymond, Sen. Willner stated that this legislation should not be deferred because of the trend toward mechanization-- he said this argument was used 50 years ago with regard to factory workers.

5. Believes the profit is being made at the middleman and not the farm level, and does not think the burden should be placed upon the farm employees.

B. Mr. Nilsen's testimony in support. (Item 2 attached)

1. Submitted proposed amendment (Item 3 attached)

C. Mr. Robinson's testimony in opposition.

1. Says this bill would cause a hardship on the small businessman, and in his case would force him to quit business since he must hire people on social security and mentally and physically handicapped people for small wages in order to avoid operating at a loss.

(a) He says while the bill provides for some relief in such cases, in practice it might be hard to obtain.

(b) The jobs he provides keep people off welfare and also provide emotional gratification by giving them something to do.

2. Believes the situation is well covered by federal statutes and that a state law is not necessary.

D. Mr. Weimar's testimony in opposition (Items 4-A through 4-D attached)

1. Does not see necessity for state law when this is already covered by federal law.
2. If bill is passed, he requests that agricultural workers be exempted.

E. Mr. Fujii's testimony in opposition.

1. Regarding Sen. Willner's amendment, Mr. Fujii said he would define "family farm" as one in which the family has control over the management of the farm whereas Sen. Willner defined it as one in which the family does the work.

(a) The last agricultural census shows that of the number of farms in Oregon less than 1/2 of 1% are operated by hired managers, which show that the preponderance of the farms in Oregon are family operated farms and they do hire a lot of their labor.

2. With respect to the so-called middleman's profit, their findings have been that the initial cost in the spread of the price between the farmer's price and the consumer's price is primarily in personnel costs, labor and taxes.

3. They are for increasing earnings of workers, but it must be based on two things: productivity on the part of the worker to justify his earnings and a little higher product price to justify an income for farmers as well as for the workers.
4. Submits information which he requested committee to review before final action is taken on the bill (Item 5 attached).
5. Growers in Oregon have to compete with growers in other states that do not have this type of legislation. Also they have to compete with the imports (USDA reported that dairy imports increased about 900% last year over the previous year).
6. Skilled farm workers are now making good wages (cited examples of cases where earnings ran from \$1.85 to \$5 per hour).
7. Referred to Section 3, paragraph (1) which exempts piece workers. Says this is quite different from the federal act in which the criteria for exemption from minimum wage is 500 man days in any calendar quarter. The small farmer of which Sen. Willner spoke that is under 500 man days will be subject to this because on page 4, paragraph (8) it says "any person subject to regulation under the Federal Fair Labor Standards Act" is exempt. So the larger farmer that has hired an employee would be exempt from this particular bill and he would live under the Fair Labor Standards Act which is \$1 an hour this year, \$1.15 next year, and \$1.30 in 1969. Most Oregon farmers that hire people by the hour are paying from \$1.25 to \$2 an hour, yet there are some unskilled elderly, mentally or physically handicapped people that actually come up to a farmer and name their own price and the farmers hire them on the basis that their productivity justifies what they have asked-- also college students who are hired at lower wages until their skills increase to the point where a higher wage is justified. These people would not be employed if this bill were to become law.
8. Referred to page 4, paragraph (10), "An individual domiciled at a place of employment for purpose of being available for emergency or occasional duties." They wonder if this would exempt the man who is employed on the farm and lives on the farm and is paid by the month. There are seasonal peaks in agriculture in which these workers will work long hours, then there are "valleys" where they either have to make work for them or have them work shorter hours. This comes close to an annual guaranteed wage where these men work year round, and over the year it would average out probably at better than \$1.25 an hour, but if they had to put them on the basis of a week or a month these men could be employed and earn

more during the peak seasons and may be subject to lay-off periods during the lull when the work is not there and their earnings would certainly be lower. If (10) does not exempt these permanent workers that are hired by the month, then again here is another discrepancy because on most of these farms where a farmer may hire less than 500 man days in a quarter, they are not subject to the Federal Fair Labor Standards Act in which 500 man days per quarter is the criteria.

9. Going back again to Section 3, paragraph (1), this bill as written now would exempt all piece rate workers. The Fair Labor Standards Act provides exemptions for (1) workers for farmers under 500 man days, (2) members of the immediate family, (3) what they call the Green Amendment people, which is specifically written for the northwest-- these are the piece-rate workers that commute daily from their permanent residence that worked less than 13 weeks in agriculture the previous year, (4) the migrant child 16 or under is exempt if he works on the same farm as his parents.

All other workers are subject to an hourly minimum in piece work. This is the difference between this bill and the federal law. Here again, farmers have told them that they will hire nire anyone this year that cannot earn the minimum with the piece rate provision because they say if they do it will raise their rate-- the margins are so small that they couldn't raise the rate for everyone.

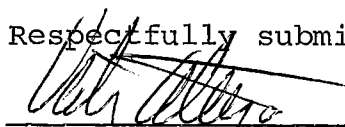
10. There is a clause in the federal law that you could certificate for mentally or physically handicapped people but they say that this is rather difficult to obtain.

II. Adjournment at 10:00 a.m.

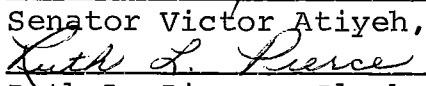
ATTACHMENTS TO MINUTES:

- Item 1: Sen. Willner's proposed amendment
- Item 2: Mr. Nilsen's written testimony
- Item 3: Mr. Nilsen's proposed amendment
- Item 4-A: Statement from Gilliam County Farm Bureau
- Item 4-B: Statement from Mr. Weimar
- Item 4-C: Letter to Sen. Raymond from Gilliam County Farm Bureau
- Item 4-D: Letter to Sen. Raymond from Wm. G. Jaegar, Condon, Oregon
- Item 5: Copy of newspaper article and charts submitted by Mr. Fujii

Respectfully submitted,



Senator Victor Atiyeh, chairman



Ruth L. Pierce, Clerk

PROPOSED AMENDMENTS TO HB 1340

On page 3, line 23, after the word "employed", add "prior to February 1, 1969"

On page 5, line 13, delete "or"

On page 5, line 14, after "age" insert ", or persons employed on a farm on which the majority of the work is done by members of the farm family"

Senator Don S. Willner

Item 1

REMARKS OF NORMAN O. NILSEN, STATE LABOR COMMISSIONER, BEFORE
THE LABOR AND INDUSTRIES COMMITTEE, OREGON SENATE, APRIL 24,
1967.

Gentlemen, I am happy to appear before you this morning to endorse what I--and many other Oregonians--feel is one of the most important pieces of legislation to be proposed at this session. Revision of our present antiquated wage and hour laws is long overdue. In the past, Oregon has been a proud leader in social legislation for the protection of the wage earner. Now the state has fallen woefully behind the rest of the nation. House Bill 1340, which you are considering today, would provide a start in bringing us up to date.

House Bill 1340 will make up some of the deficiencies in our present laws. It cannot be considered an ideal bill, but--in its present form, it is essentially a good piece of legislation. It has our support.

The merits of the bill are that it establishes a uniform minimum wage for many of our citizens. It establishes a more realistic minimum wage and it accords wage and hour protection to adult males for the first time. At present, only women and minors have this protection

The Bureau of Labor was gratified by the action of the Oregon House of Representatives in passing the bill by a good margin.

The bureau proposed a few amendments to the bill in its original form to the House Labor and Management Committee and we are happy that some of the suggestions of the bureau were adopted. However, we had hoped the legislature would see fit to treat men and women alike in terms of affording maximum protection. Therefore, at the close of my remarks, an amendment to House Bill 1340 will be offered with this in mind.

The amendment concerns inclusion of overtime pay protection for male workers, an important item which is not part of the bill as it is now before you. The proposed legislation does provide overtime pay protection for women.

It is difficult to understand why adult men do not have wage and hour protection in view of Oregon's historic role in pioneering this type of legislation. Today, 37 jurisdictions have operative wage and hour laws and 26 of them offer protection to both men and women.

Under the present laws, our minimum wages for women and minors run from 65cents to \$1.25 an hour, varying with the industry, under orders established by the State Wage and Hour Commission. These minimums obviously are too low to meet today's living costs and the process of raising wage floors under our present wage and hour laws is slow and outdated.

In our department, we get graphic evidence of what inadequate wages do to people. Hundreds come for legal assistance in collecting wages earned which they cannot obtain from their employers. Many are on low wage scales and are already in dire circumstances. I think the Oregon Wage Collection Law, which allows the state to act for these people in an attempt to alleviate hardships, is one of the greatest of state services.

But, the wage collection law has no bearing on what people are paid. Only wage and hour laws can affect the rate of payment. In many cases, this rate must now increase if our citizens are to obtain necessities of life under present economic conditions. And, we must never forget. Wages are the life blood of our economy. It takes sufficient purchasing power for goods produced by industry to keep industry running.

Enactment of House Bill 1340 would extend wage and hour protection to a relatively small group of Oregonians. Even with enactment of this legislation, much needs to be done. I maintain that to deny protection to one of our citizens is, in effect, a denial of protection to all of our citizens. For what affects one affects all.

Oregon in 1913 was the first state to have an enforceable wage and hour law and this pioneer legislation was the first to be sustained by a Supreme Court decision. It is time to move again to the front rank of the 24 states which have minimum wages set by statutes.

I thank you for having the opportunity to appear before this committee to discuss what I feel is one of the major problems in Oregon today.

AMENDMENTS TO HOUSE BILL 1340

- 1 On page 5, of the printed bill, line 16, after "women" insert "and men".
- 2 On page 5, line 24, after "women" insert "and men".

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Gilliam County Farm Bureau, April 20, 1967.

To the Honorable Members of the Senate Labor & Industry Committee.

As the House passed HB. 1340 with amendment including agriculture, known as wage and hour bill.

We sincerely petition your Honorable Committee to exempt agriculture from this bill, for the following reasons.

Agriculture has no assurance that it can meet this wage rate.

Second agriculture has to employ men that are untrained and cannot secure work in industry, these cannot earn the wage that industrial workers earn.

The majority of farmers of the state don't have an income equal to \$1.25 per hour, They make ends meet by working long hours.

Van Reitman, President.

Evelyn Potter, Secretary.

Item 4A

To the Honorable Senate Committee on Labor and Industry

I am John Weimar Master Mikkalo Grange and Chairman Gilliam County Pomona grange, Am interested in Agriculture and allied industries.

We farmers sincerely patition your support in opposition to HB. 1340. \$1.25 minimum wage including agriculture and ask that it exclude agriculture, for the fallowing reasons.

There is no guarentee in this bill that the farmer will have sufficient income to pay these wage rates, thereby Causing more unemployment and a decline in production which will cause increase in cost of living, which the housewife is resenting now.

The farmer has no control of the price of his products, unlike industry he is unable to pass the cost of production on to the consumer.

If the Legislature is going to guarentee labor an income above his ability to earn it, why not guarentee the farmer cost of production plus a living wage for him and family? HB. 1340 is class legislation:

Counting the hours a farmer has to work he is the poorest paid worker in America today: if he has to keep a record of hours worked and amount of pay when is he going to have time for this when his employee is in bed or spending his time in a tavern?, The farmer cannot afford a secretary like industry can employ.

Most of the employes the farmer is able to secure are unskilled and unable to secure employment in industry, so the farmer has to train them and when they become able they move on to other industries.

If the State wishes farm wages to be equil to industry why not the State set up training schools whereby employes can be trained so they will be able in a better position to earn what they are paid? an apprentice never receives same wage as trained workers, yet this bill would compel farmers to pay industrial wage while training the unskilled the technice of farming.

the
Legislation such as HB. 1340 will eventually destroy individual farm and force corporate farming upon America whereby the corporation can set the price of production and pass the cost on where the consumer will pay through the nose as when they buy a car or a suit of clothe.

Sincerely submitted.

J. Z. Weimar
John Z. Weimar.

Gondon, Oregon
April 20, 1967

Senator Ruff Raymond, Chairman
Senate Agricultural Committee
State Capitol
Salem, Oregon

Dear Ruff:

I am writing to you to register Gilliam County Farm Bureau's opposition to SB 504, the so-called "Equality" for farm labor bill and HB 1340, the minimum wage bill.

A minimum wage for agriculture is unrealistic legislation inasmuch as many agricultural workers are the residue of the labor force which cannot or will not hold a regular job. Many of these people are unwilling to be responsible for being at work on a steady basis. This makes them less valuable to an employer and it seems unfair to command agriculture to pay them on the same basis as full time regular employees. If it weren't for agriculture many of them would be completely unemployed and a full time ward of the government. Agriculture should not have to shoulder the burden of compensating these people on the same basis as if they were valuable employees. The responsibility for providing a better life for these unfortunates should rest with all of society, not just the farmer.

As I understand it, SB 504 would delete the agricultural exemption from the Unemployment Compensation Law. This exemption should be retained because of the temporary nature of so many agricultural jobs. The cost to the farmer of contributions to the unemployment compensation fund would be prohibitive, since the farmer cannot pass added costs of his product along to the consumer. Again it can be said that responsibility for caring for that portion of the labor force which does not want steady employment lies with society as a whole and not just the farmer.

I appreciate your consideration of our viewpoint on these bills.

Sincerely,

Van Rietmann

Van Rietmann, Chairman
Gilliam County Farm Bureau

HB 1340

Condon Oregon
April 22, 1967

Senator R. R. Ramon
Salem, Oregon

Dear Senator:

On behalf of all agriculture and in particular the farm operators in the grange to which I belong, we ask you to do what you can to oppose H.B. 1340 and S. B. 504. As we understand the bills they would make agricultural labor subject to the 40 hour week law requiring agricultural labor to be paid time and $\frac{1}{2}$ overtime. Since there is a shortage of compitant labor to produce the food and fiber that we all use in our every day lives, and since many of the operations must be accomplished at a very critical timing, this will either result in less production or more cost of production. Most farmers would not appose paying factory or other wage scales if they were getting parity for there produce as other segments of the economy do.

If the smaller farms are continually being forced to sell out to the larger operations until, over a period of time, corperation farms opperate the major part of agriculture it will be much simpeler for them to organize and ask more for their produce through holding actions such as the milk holding action recently. This will in the longrun gratly increase the price of agricultural produce to consumers.

I just now heard Mr. Paul Harvy on the radio say, "Very soon farmers will have such a strangle hold that they will be able to set their one wages, prices and working conditions. I hope they are more considerate of us than we have ben of them".

Sincerley

Wm. G. Jaeger
Legislative Chairman
Mikkalo Grange #704

Item 4-D

The Oregon Statesman

FOUNDED 1851

"No Favor Sways Us; No Fear Shuts Awe" —From First Statesman, March 28, 1851

CHARLES A. SPRAGUE, Editor & Publisher

WENDELL WEBB, Managing Editor

Farm Squeeze Tighter

SYLVIA PORTER

Financial Analyst

NEW YORK — Democratic Senator George McGovern of South Dakota, has seriously

proposed a new food labeling system under which each package of food we buy would bear a label stating how much of the price is going to the U. S. farmer.

Agriculture Secretary Orville Freeman has called for new restrictions on imports of dairy products, at a time when quotas could have explosive political - economic implications.

Intolerated U. S. dairy farmers have tried milk - dumping campaigns in an attempt to drive up the prices they receive for milk.

Just these three news items dramatize the fact that the American farmer again is in a tightening economic squeeze — for although he made unmistakable strides in catching up to the non-farm worker last year, the leveling off of food prices plus continually skyrocketing costs of operation are hitting him hard in 1967.

Just since 1959, farm mach-

inery prices have risen a full 24 per cent and labor costs are up 35 per cent. Feed grain prices also have been in a sharp upswing.

In addition, he's fighting severe farm labor shortages, intense local competition and growing competition from food imports from abroad. Last year alone, dairy imports jumped 300 per cent.

Despite all the progress the farmer has made during this decade, consider these facts:

Even with last year's overall 15 per cent income boost, the farmer still nets only a per capita average of \$1,731 in yearly earnings, a full 60 per cent below average earnings of the non-farmer.

Even though retail food prices last year rose to 35 per cent above the 1947-49 average, prices paid to farmers for the food we bought actually were 2 per cent below those paid in 1947-49. Today, the farmer receives only 5½ per cent of the U. S. consumer's total after-tax income for his products — one-half the share he received in 1947.

Even though our spending for farm-originated foods has soared \$40 billion since 1947-49, less than one-fourth of this increase has gone to the farmer. For every food dollar you spend today, the farmer gets only 40 cents — 10 cents less

than he received two decades ago.

Even though a significant number of big U. S. farmers are making record profits today, a far more significant number are being pushed over the brink of poverty. In the past eight years, the number of U. S. dairy farms has declined from 770,000 to 600,000. More than 95 per cent of farms in this country today are family farms and among these, poverty is still a socially pervasive fact of life.

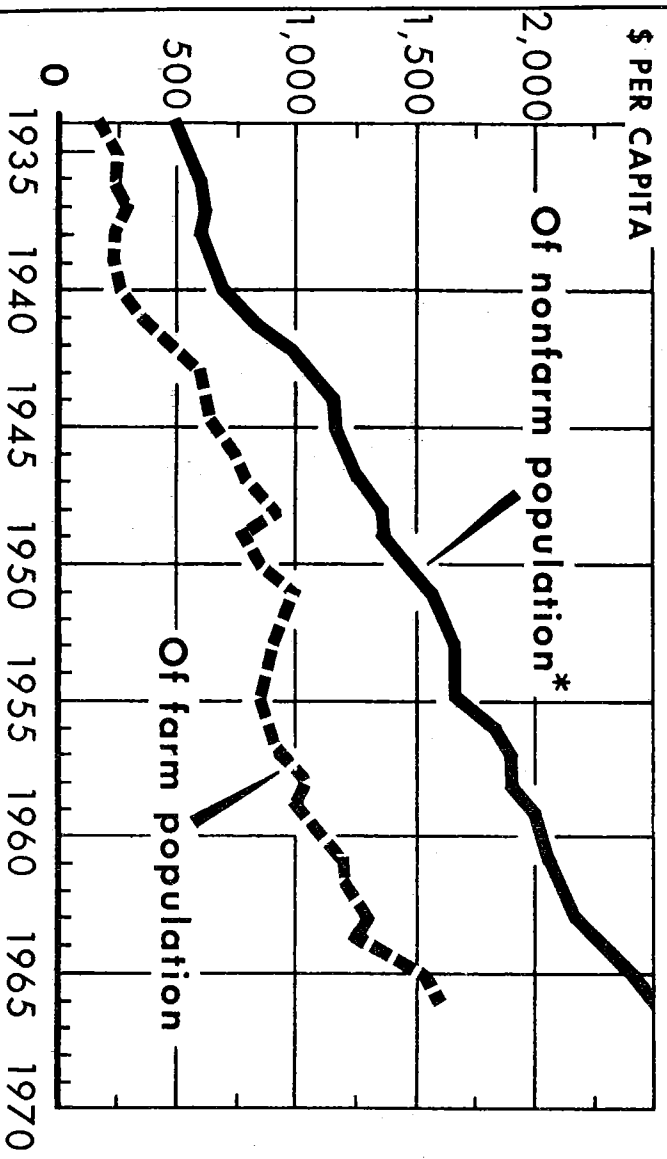
Here's what the farmer gets for each dollar you spend for food:

Item	Farmer's Share
Canned beets	6 cents
Corn flakes	9 cents
Canned peaches	16 cents
White bread	17 cents
Spinach	22 cents
Oranges	24 cents
Potatoes	30 cents
Apples	35 cents
Fresh milk	49 cents
Beef, choice	59 cents
Eggs, Grade A large	65 cents

This table explains the background for the farmer's demands more than a treatise could. With his price pressures on top of the generally rising costs of food production, processing, packaging, there's only one direction for the price of your food market basket in the months ahead: UP.

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DISPOSABLE PERSONAL INCOME

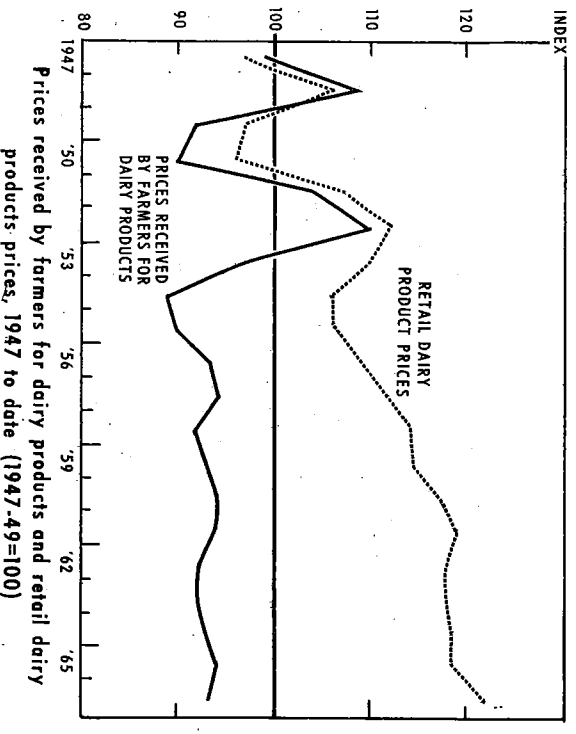
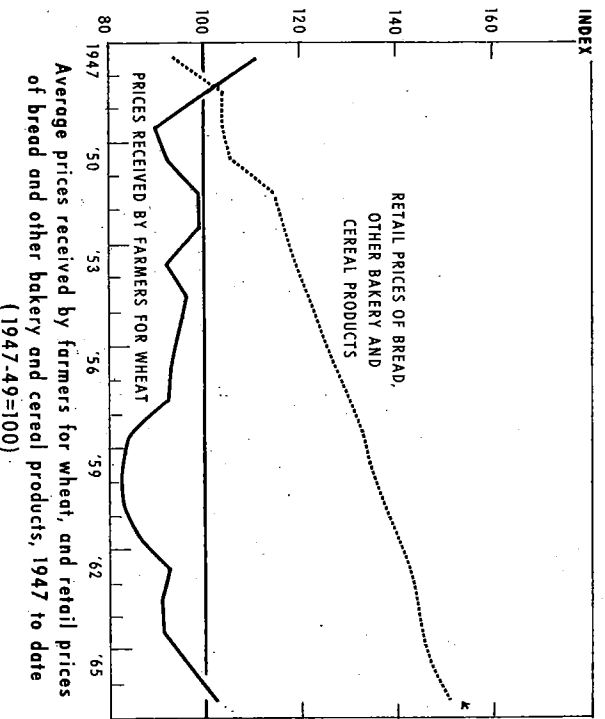
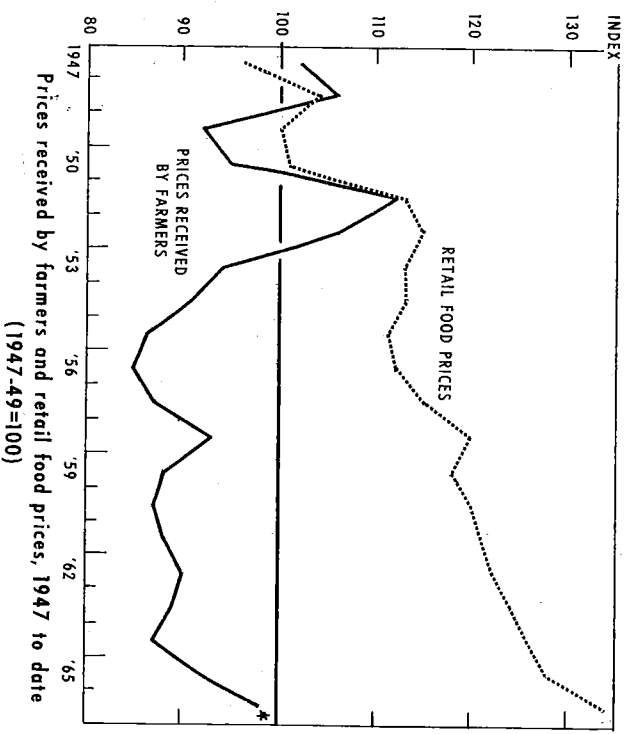
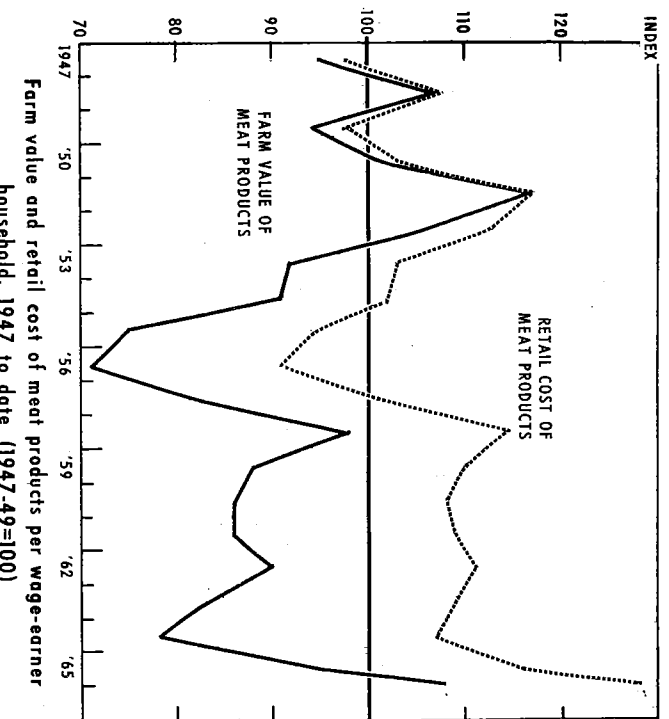


A 30-YEAR COMPARISON OF FARM AND NON-FARM INCOME

U. S. DEPARTMENT OF AGRICULTURE

NEG. ERS 3833 - 66 (6) ECONOMIC RESEARCH SERVICE

A COMPARISON OF YOUR FOOD COSTS TO FARM PRICES



What Do We Spend For Food?

From Our Income

19 percent of our disposable income went for food in 1964. If we had bought in 1964 the same kinds and quantities of food we ate in 1935-39, we would have spent only 13 percent of our 1964 income.

We spent 24 percent of our disposable income for food in 1930 and 22 percent in 1940. In 1947, food took 27 percent of our take-home pay.

Each of us in 1964 consumed these and other products of farm and ranch:

174 pounds of beef, veal, pork, lamb, and mutton.

39 pounds of chicken and turkey.

186 pounds of fruits (fresh fruit equivalent).

225 pounds of vegetables (fresh vegetable equivalent).

623 pounds of dairy products (whole milk equivalent).

109 pounds of potatoes and 7 pounds of sweetpotatoes (fresh equivalent).

We can choose from as many as 6,000 different foods when we go to market—fresh, canned, frozen, concentrated, dehydrated, ready-mixed, ready-to-serve, or in heat-and-serve form.

In Terms of an Hour's Work

1 hour's work in a factory buys more food today than it did 20 or 30 years ago. Pay for 1 hour's factory labor would buy:

Round steak: 2.4 pounds in 1964; 2 pounds in 1944; 1.4 pounds in 1934; or

Bacon: 3.8 pounds in 1964; 2.5 pounds in 1944; 1.8 pounds in 1934; or

Milk: 9.6 quarts in 1964; 6.5 quarts in 1944; 4.7 quarts in 1934;

As Compared With Other Products

Food costs have risen less since 1947-49 than most other consumer items in the cost-of-living index. For all items on the list, the increase in cost to 1964 was 33 percent. For all food, the increase was 26 percent. For rent, it was 48 percent. and for medical care 72 percent.

The farmer gets none of the increase in cost for the food he produces. In fact, he receives 15 percent less for the farm food "market basket" than he did in 1947-49. This accounts for the fact that the cost of farm-grown food has risen only 14 percent, although processing and marketing costs have risen 43 percent.

What Does the Farmer Receive?

For Food

37 cents of each \$1 spent for food.

2.5 cents for the corn in a 29-cent box of corn-flakes.

54 cents of each \$1 spent for choice beef.

2.5 cents for the wheat in a 21-cent loaf of white bread.

About 11 cents from a 26-cent quart of milk.

What Is Modern Farming?

The Nation's Biggest Industry

Farming employs 6 million workers—more than the combined employment in transportation, public utilities, the steel industry, and the automobile industry.

A Creator of Employment

3 out of every 10 jobs in private employment are related to agriculture.

Six million people have jobs providing the supplies farmers use for production and family living.

Eight to ten million people have jobs storing, transporting, processing, and merchandising the products of agriculture.

A Good Customer

The farmer spends nearly \$30 billion a year for goods and services to produce crops and livestock; another \$12 billion a year for the same things that city people buy—food, clothing, drugs, furniture, appliances, and other products and services.

A Taxpayer

In 1964:

Farm real estate taxes totaled \$1.6 billion.

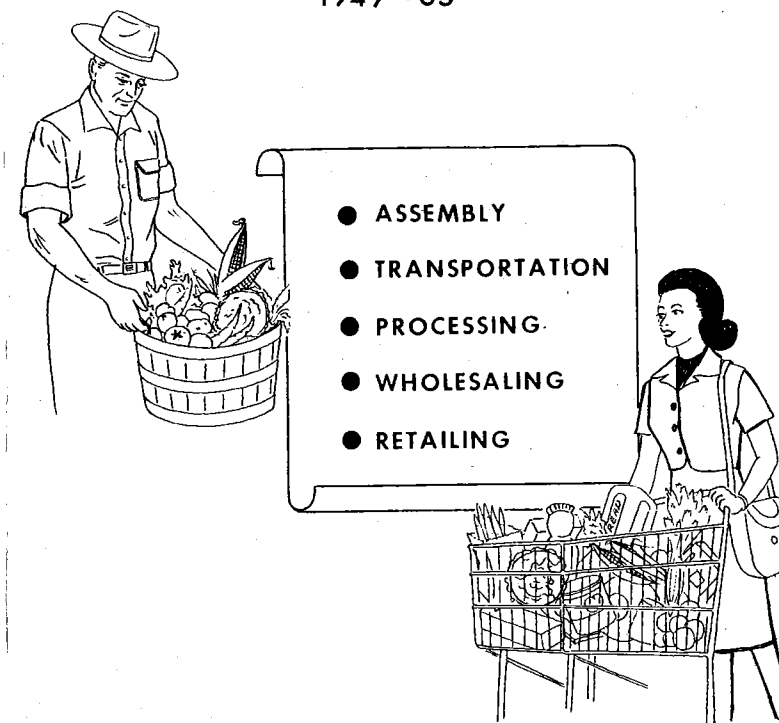
Tax on personal property on farms was nearly one-third of a billion dollars.

Federal and State income taxes paid by the farm population amounted to \$1.2 billion.

Net taxes paid by farmers on motor fuels were (\$320 million.

FARM-RETAIL SPREADS FOR FOOD PRODUCTS

1947-65



Distributed as a Public Service
By the
OREGON FARM BUREAU FEDERATION

PER CAPITA INCOME AND EXPENDITURES FOR FOOD AND OTHER GOODS AND SERVICES

United States, 1965-1947

Year	Disposable personal income	Personal Consumption Expenditures			
		Food		Other Goods and Services	
		Actual	Percentage of disposable income	Actual	Percentage of disposable income
	<u>Dollars</u>	<u>Dollars</u>	<u>Percent</u>	<u>Dollars</u>	<u>Percent</u>
1965	2,391	436	18.2	1,766	73.9
1964	2,268	416	18.3	1,660	73.2
1963	2,132	404	18.9	1,569	73.6
1962	2,064	399	19.3	1,503	72.8
1961	1,983	392	19.8	1,432	72.2
1960	1,937	388	20.0	1,412	72.9
1959	1,905	386	20.3	1,372	72.0
1958	1,831	382	20.9	1,284	70.1
1957	1,801	373	20.7	1,270	70.5
1956	1,743	359	20.6	1,226	70.3
1955	1,666	352	21.1	1,187	71.2
1954	1,585	348	22.0	1,108	69.9
1953	1,583	348	22.0	1,093	69.0
1952	1,518	349	23.0	1,031	68.0
1951	1,469	338	23.0	999	68.0
1950	1,364	303	22.2	956	70.1
1949	1,264	300	23.7	885	70.0
1948	1,290	316	24.5	868	67.3
1947	1,178	303	25.7	812	68.9

Compiled from revised estimates published by the National Income Division, U.S. Department of Commerce. Data for Alaska and Hawaii included beginning 1960. Revised data were published in August, 1965 and later.

SENATE COMMITTEE ON LABOR AND INDUSTRIES

April 26, 1967

8:30 a.m.

401 State Capitol

Members present: Atiyeh, chairman; Lent, vice chairman
Chapman, Fadeley, Inskip, Raymond, Stadler

Witnesses: Howard Fujii, Oregon Farm Bureau Federation
George Brown, Oregon AFL-CIO
Doug Heider, Oregon Retail Council and Associated
Oregon Industries
Mrs. Norman Wingert, Farm Workers Clubs
Earl Moore, Oregon State Grange
Mike Kenagy, dairy farmer, Hubbard, Clackamas County
Norman Nilsen, Commissioner, Bureau of Labor

SUMMARY OF MEETING:

House Bill 1340 - Establishes a state minimum wage of \$1.25 per hour, applying to workmen employed in the State of Oregon; exempts certain classes of employees; gives Wage and Hour Commission rule-making power regarding certain classes of employees. Provides penalties.

I. Mr. Fujii's testimony in opposition:

1. Says Employment Service states there are ample workers, but his experience shows that they are either unwilling, unable or unqualified and the farmer cannot afford to tie up his equipment for a worker that cannot produce.
2. Read from copy of letter to Rep. Edith Green from Medford Pear Shippers Association, as follows: "During the 1965 harvest we had 494 men pass through our Central Labor Camp. These men averaged \$15.00 per day for every day they were in camp including Sundays and inclement weather. At eight hours per day, and practically no crews work longer than that, that means an average of \$1.88 per hour. One crew of 22 men averaged \$2.95 per hour for every day they were in Medford. Yet we still had plenty of people who could not earn a dollar per hour."
3. Agrees with Sen. Raymond that the pressure from this type of legislation, both state and federal, will gradually eliminate the small family farms and they will be replaced by corporation farms.
4. Asks "What does House Amendment on page 3, 'Work produced or services rendered' mean?" Says committee should give serious consideration to deleting this amendment since although it was the intent of the

amendment to exempt all piece work, some people say the language is not clear. Says if an Oregon agricultural minimum wage is necessary it should conform to Federal Fair Labor Standards Act amendments now effective.

5. Points out differences in exemptions provided by proposed bill and by Federal Fair Labor Standards Act as follows:
 - A. Section 3, paragraph (1) of HB 1340 exempts all piece rate workers.
 - B. Federal Fair Labor Standards Act provides exemptions for:
 - (1) Workers for farmers under 500 man days in any quarter.
 - (2) Members of the farmer's immediate family.
 - (3) "Green Amendment" workers-- piece rate workers commuting daily from their permanent residence that worked less than 13 weeks in agriculture the previous year.
 - (4) Migrant children 16 and under working on the same farm as their parents.
 - (a) The only exception relates to those workers "certified" by the Secretary of Labor "whose earning or productive capacity is impaired by age or physical or mental deficiency or injury."
 - C. Provisions of HB 1340 do not apply to persons subject to Federal Fair Labor Standards Act (See Section 4 of bill, paragraph (8)).
 - D.
 - (1) Commission "may issue rules" for mentally or physically handicapped persons or persons over 65 but no one can predict what the commission may do.
 - (2) USDL representatives report "certificate" for B (4) (a) above must be approved by the San Francisco regional office and would require too much time to have any value for seasonal employment.
 - E.
 - (1) Provisions of HB 1340 would exempt piece rate harvest migrant workers, "winos" (both local and transient), students that work weekends on farms while school is in session, many "unemployables in other industries and businesses," etc., as long as they are paid "by the amount of work produced or services rendered."
 - (2) FLSA would require minimum wages if they are not specifically exempt.
 - F.
 - (1) Section 4 of HB 1340 exempts minors under 18.
 - (2) FLSA would require minimum wage unless specifically exempt.

G. Penalty sections of HB 1340 and FLSA are different.

6. Questions use of the word "may" on line 5, page 5. Believes these people (mentally or physically handicapped or on social security) should be allowed to earn extra money. There are many farms and ranches that employ handicapped and pensioners or elderly employees by the month to do odd jobs, etc. Most furnish room and board. These people feel self-supporting-- some are not eligible for social security and still feel gainfully employed. If the Commission "may" not issue rules and Secretary of Labor "may" not issue certificate, these people could no longer be employed.
7. In regard to Section 5, paragraph (2) relating to overtime, says when there are perishable commodities that need processing immediately the canners or packers will have their people come in. There are two sets of rules governing this: The Fair Labor Standards Act provides a 14 week seasonal exemption or a 10 week seasonal and 10 week perishable (total 20 week) exemption for packing and processing of perishable fruits and vegetables. But ORS 653.265 restored by House Amendment provides for overtime (time and a half) after 10 hours per day. There is also a discrepancy here in that House Amendment on page 6, Section 5, paragraph (3) reads: "Nothing contained in this Act shall be construed to confer authority upon the commission to regulate the hours of employment of women engaged in harvesting, packing, curing, canning, freezing or drying any variety of perishable fruit, vegetables or fish."
- The packing house people say these additional overtime costs would have to pass back to the grower.
8. Passed around "Summary of Regulations" issued 1/27/67 by FLSA (Item 1 attached). Says posting of the federal regulations plus the state regulations yet to be written would cause confusion on the part of the farmers and the workers.
9. States that since the piece workers who do not meet the specific criteria in the federal act (see 5B above) must be paid the minimum wage, farmers avoid being disqualified for the 500 man day exemption by watching a man's performance during his first hour's work and letting him go if they feel he will not perform well so that it doesn't count as a man day.
10. If Section 3 (10) does not exempt permanent employees paid by the month and living on the farm, it will disrupt many dairy and livestock operations as most farmers will not hire enough workers in order to be subject to the FLSA man day criteria (FLSA exempts "range livestock employees".)

Housing, utilities, farm produced food, etc., are furnished these employees and are a factor in considering wages paid. (Note: see also page 3, paragraph 8 of the April 24 minutes.)

II. Mr. Brown's testimony in support:

1. Explained bill section by section as follows:
 - A. The chapters repealed by this law refer to standards of Wage and Hour Commission. It repeals provisions they have established in the past with the exception of 653.265, which refers to the fact that in processing, canning and packing, women are paid overtime after 10 hours per day.
 - B. Section 2 defines Wage and Hour Commission and employe-employer.
 - C. In regard to the amended portion of Section 3, "services rendered" means, for example, an employer may give a person \$20 to do a certain amount of work and he doesn't care how long it takes him. "Paid by the amount of work produced" means that under no circumstances will piece workers be paid \$1.25 an hour-- they will be paid by the piece. This section also eliminates any person subject to regulations under the Fair Labor Standards Act so the only agricultural labor that could be covered would be the regular employees over 500 man days.
 - D. Paragraph (2) of Section 5 retains the authority of the commission to issue rules to establish minimum conditions of employment for women but takes away from the commission the authority to establish wage rates.
 - E. With regard to page 6, thinks Mr. Fujii is mistaken when he talks about processer exemption under federal law. Says a processer can pick out a 14 week period in which he will be exempt from overtime up to 50 hours a week-- after that he pays overtime.
 - F. Page 8, Section 11 (c) House Amendment, civil penalties are that if anyone attempts to evade the payment of wages the wages can continue up to 30 days and the employer is still liable for them.
2. Points out error and suggests amendment: Section 6 should be changed to Section "5" on page 4, line 27, page 6, line 6 and page 7, lines 7 and 23.
3. With regard to statements that the bill will work a hardship on employers, states that a part of the provisions when amendments are proposed to the Federal Fair Labor Standards Act is that a report must be submitted to Congress showing the effects upon employers and

employees. This was done in 1966 and the report from the U. S. Department of Agriculture showed that it had no discernable effect.

4. Says Washington state has had a minimum wage of \$1.25 an hour in effect for some time. This was amended in present session to \$1.40 an hour this year and \$1.60 next year to conform to federal standards.

When 1961 FLSA amendments went into effect, 73% of logging and lumber industry were affected by the minimum wage established at that time. It didn't put them out of business-- they increased their employment. Sen. Raymond says you can't compare this with agriculture.

5. In response to question by chairman, stated that for waitresses, federal regulations provide that an employer may count up to 50% of tips as part of the wage.
6. In response to question by Sen. Fadeley, stated he would have no objection to conforming this bill to federal law.

III. Mr. Heider's testimony in opposition:

1. Except for a relatively short adjustment period the establishment of a minimum wage by governmental decree does not improve real wages.
 - A. An increase in wages without a commensurate increase in production simply increases prices.
 - B. If it takes an hour's labor to buy a steak it doesn't really matter whether you are paid 10 cents an hour or \$10 an hour, because the real wage is the same.
 - C. There is one hitch, however. If prices go up because of increases in the wage scale you could come out on the short end of the stick if you are living on a fixed income.
2. U. S. Department of Labor to the contrary, minimum wage legislation that raises the cost of hiring people causes loss of employment for marginal workers, at least until prices adjust to the new wage scale. If increased wage costs result in greater mechanization or automation, additional employment dislocation may occur.
3. Since by far the vast amount of Oregon employees are covered by the federal minimum wage, presently exempt Oregon employers will have to pay wages reasonably competitive with federal rates in order to obtain and retain employees.
4. Costly to small employers until prices adjust.

5. Record keeping under any minimum wage law is an additional and unnecessary burden on small businesses, especially so at this particular time.
6. A minimum wage law will increase costs to the state and should be considered.
 - A. \$13,000 additional cost to retail establishments with under \$300,000 annual volume.
 - B. Last session Department of Finance and Administration, in regard to HB 1592, estimated increased welfare costs as follows:
1965-67----\$1,250,540
1967-69---- 1,667,387
plus two million dollars additional administrative cost per biennium.
7. Recommends changing "may" to "shall" on page 5, Section 5, line 5.
8. Mr. Brown states that with regard to nursing home people they are already covered under the federal act and will not be affected by this law if it passes-- only about 1800 people would be working for less than \$1.25 an hour. Mr. Heider said he is sure this is true but his point in bringing this up is that there are costs involved and it does indicate that a study should be made on the costs for the Welfare Department.
9. In response to question by Sen. Fadeley, Mr. Heider states he opposes all minimum wages.

III. Mrs. Wingert's testimony: (Item 2 attached)

1. Supports bill but is asking for amendment to include all agricultural workers.

IV. Mr. Moore's testimony in opposition:

1. Believes any state minimum wage law at the present time should follow the federal standards.

V. Mr. Kenagy's testimony in opposition:

1. As owner of a 300 acre dairy farm, states that although he can't say a farm laborer should earn less than any other laborer, he can't afford to pay a minim wage. Cites rising costs in industrial accident rates, insurance and taxes, also increased dairy imports. Says high tax rates are the main problem.

VI. Mr. Nilsen's testimony:

1. Consulted with Mr. Edward J. Hawes, Chief Inspector, Wage and Hour Division (in audience) who stated that \$37,000 annual cost to the Bureau is anticipated. This would include \$35,000 for salary, meals, transportation and lodging for two experienced field men and \$2,000 for incidental expenses including costs of printing of regulations and publications. They have not included this in their budget to Ways and Means.
 - A. At present they have seven inspectors. The two additional inspectors would make up for an increase in complaints, etc.

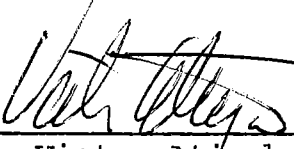
VII. Committee Action:

1. Sen. Lent moved to change "6" to "5" on page 4, line 27, page 6, line 6, and page 7, lines 7 and 23. On oral vote the motion carried unanimously.
2. The chairman stated there would be no further hearings on the bill but the committee would consider it at a further meeting.


ATTACHMENTS TO MINUTES:

- Item 1: FLSA "Summary of Regulations" issued 1/27/67
Item 2: Mrs. Wingert's prepared testimony

Respectfully submitted,



Sen. Victor Atiyeh, chairman



Ruth L. Pierce, Clerk

January 27, 1967

#13 1340

516.32 Employees employed in agriculture.

(a) No records, except as required under paragraph (f) of this section, need be maintained by an employer who used fewer than 500 man-days of agricultural labor in every quarter of the preceding calendar year, unless it can reasonably be anticipated that more than 500 man-days of agricultural labor (including agricultural workers supplied by a labor contractor) will be used in at least one calendar quarter of the current calendar year.

(b) If it can reasonably be anticipated that the employer will use more than 500 man-days of agricultural labor (including agricultural workers supplied by a labor contractor but not counting members of the employer's immediate family and hand harvest laborers as defined in section 13(a)(6)(B) of the Act), the employer shall maintain and preserve payroll records containing the following information with respect to each worker:

(1) Name in full. This shall be the same name as that used for Social Security purposes.

(2) Home address, including zip code.

(3) Sex and occupation in which employed (sex may be indicated by Mr., Mrs., or Miss).

(4) Symbols or other identifications separately designating those employees who are (i) members of the employer's immediate family as defined in section 13(a)(6)(B) of the Act, (ii) hand harvest laborers as defined in section 13(a)(6)(C) or (D), and (iii) employees principally engaged in the range production of livestock as defined in section 13(a)(6)(E).

(5) For each employee, other than members of the employer's immediate family and hand harvest laborers as defined in sections 13(a)(6)(B) and (C) of the Act, the number of man-days worked each week or each month. (A man-day is any day during which an employee does agricultural work for 1 hour or more.)

(c) For the entire year following a year in which the employer used more than 500 man-days of agricultural labor in any calendar quarter, exclusive of members of the employer's immediate family and hand harvest laborers as defined in sections 13(a)(6)(B) and (C) of the Act, he shall in addition to the records required by paragraph (b) of this section maintain and preserve the following records with respect to every employee (other than members of the employer's immediate family, hand harvest laborers and livestock range employees as defined in sections 13(a)(6)(B), (C), (D), and (E) of the Act):

(1) Time of day and day of week on which the employee's workweek or the workweek for all employees begins.

(2) Basis on which wages are paid (such as "\$1.30 an hour"; \$15 a day"; "piece work".)

(3) Hours worked each workday and total hours worked each workweek.

(4) Total daily or weekly earnings.

(5) Total additions to or deductions from wages paid each pay period.

(6) Total wages paid each pay period.

(7) Date of payment and pay period covered by payment.

Item 1

(d) In addition to other required items, the employer shall keep on file with respect to each hand harvest laborer, as defined in section 13(a)(6) (C) of the Act for whom exemption is taken, or who is excluded from the 500 man-day test, a statement from each such employee showing the number of weeks he was employed in agriculture during the preceding calendar year.

(e) With respect to hand harvest laborers as defined in section 13(a)(6) (D), for whom exemption is taken, the employer shall maintain in addition to subparagraph (1) through (5) of paragraph (b) of this section, the date of birth and name of the minor's parent or person standing in place of his parent.

(f) Every employer (other than a parent or guardian standing in the place of a parent employing his own child or a child in his custody) who employs in agriculture any minor under 18 years of age on days when school is in session or on any day if the minor is employed in an occupation found to be hazardous by the Secretary shall maintain and preserve records containing the following data with respect to each and every minor so employed:

(1) Name in full,

(2) Place where minor lives while employed. If the minor's permanent address is elsewhere, give both addresses,

(3) Date of birth.

(g) In any week in which a farmer uses agricultural workers supplied by a crew leader or other type of labor contractor, he shall maintain the records required by this section whether or not he pays the workers directly. (This may consist of copies of the contractor's records which contain the required information.)

Signed at Washington, D.C. this 31st day of December 1966.

Clarence T. Lundquist
Administrator

SENATE COMMITTEE ON LABOR AND INDUSTRIES

May 1, 1967

9:00 a.m.

401 State Capitol

Members present: Atiyeh, chairman, Lent, vice chairman
Chapman, Raymond
Delayed: Fadeley
Excused: Stadler, Inskeep

Witnesses: George Brown, Oregon AFL-CIO

SUMMARY OF MEETING:

House Bill 1340 - Establishes a state minimum wage of \$1.25 per hour, applying to workmen employed in the State of Oregon; exempts certain classes of employes; gives Wage and Hour Commission rule-making power regarding certain classes of employes. Provides penalties.

I. Review of previously proposed amendments:

A. Page 5, line 15, paragraph (2):

- 1-Regarding the wording of this paragraph, Mr. Brown said this does not conflict with ORS 653.265 as previously supposed in regard to overtime pay (see paragraph 7 page 3 of 4/26 minutes).
- 2-Sen. Lent asked why the bill states that no one can pay a woman overtime at more than time and a half. Mr. Brown said the rules that the commission is establishing cannot prescribe more than time and a half but that it does not restrict the employer from paying more.
- 3-The sentence beginning with line 24 is confusing. Sen. Lent said it becomes clear if you reshuffle the sentence as follows: "Minimum conditions of employment for women issued prior to the effective date of this Act shall remain in effect until amended by the commission under this section, except" etc.
- 4-Regarding Mr. Nilsen's proposed amendment to add "and men" after "women" on lines 16 and 24, Mr. Nilsen made no further comment, other than to add he thought it would be more equitable to include men, and the committee decided to take no action.

II. Fiscal Analysis:

- 1-The chairman stated that he had received a Fiscal Analysis from the Department of Finance and Administration on the cost to the

Bureau if this bill were to pass, which quotes a figure of \$37,000 previously given to the committee. He made an additional request of the Department of Finance and Administration in regard to whether this will increase welfare costs to convalescent homes.

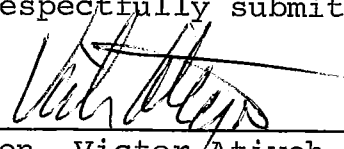
- (a) Mr. Brown said under the 1966 amendments of the Fair Labor Standards Act which took effect February 1 of this year, those people are already covered by the federal law. And this bill exempts those covered under the federal law.

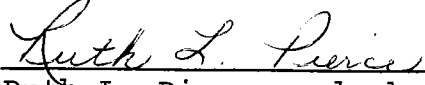
III. Committee Action:

- 1-On page 5, line 5, Sen. Chapman moved to change "may" to "shall". On oral vote the motion carried unanimously. Senators Fadeley, Inskip and Stadler were not present at the time vote was taken.
- 2-The chairman said he would draft a letter to the Ways and Means Committee requesting they consider adding this additional amount of \$37,000 to the Bureau of Labor's budget at its meeting May 2 at 8:30 a.m., and further stating that the committee would like their consideration prior to May 8 as it wished to take action on the bill at that time. He said he would also appear personally at the Ways and Means committee meeting.
- (a) Sen. Raymond asked if the committee shouldn't request information on how many people would be put on welfare if the bill were to pass. Sen. Fadeley said it might take some off welfare. He said Mr. Lewis, who testified on SB 496, said the Community Work and Training Program, of which he is in charge, has difficulty filling positions for case aides, which pays 86 cents an hour, because the people say they can get more money by remaining on welfare.

IV. Adjournment at 9:30 a.m.

Respectfully submitted,


Sen. Victor Atiyeh, chairman


Ruth L. Pierce, clerk

SENATE COMMITTEE ON LABOR AND INDUSTRIES

May 8, 1967

9:00 a.m.

401 State Capitol

Members present: Atiyeh, chairman; Lent, vice chairman
Chapman, Fadeley, Inskeep, Raymond, Stadler

Witnesses: Edward Branchfield, Legal Counsel to Governor McCall
John Gustafson, Assistant Commissioner, Bureau of
Labor

SUMMARY OF MEETING:

I. House Bill 1340 - Establishes a state minimum wage of \$1.25 per hour, applying to workmen employed in the State of Oregon; exempts certain classes of employes; gives Wage and Hour Commission rule-making power regarding certain classes of employes. Provides penalties.

A. Committee Action:

1. Chairman reported he appeared before Ways and Means subcommittee chaired by Sen. Morgan and he has received no report from them to date, although they now recognize the need for an increase in the Bureau of Labor's budget to cover the estimated \$37,000 cost which would be incurred by passage of this bill.
2. Sen. Lent moved to send the bill to the floor of the Senate with a Do Pass recommendation as amended in committee on April 26 and May 5. On roll call vote the motion carried, all members voting "Aye" with the exception of Senators Inskeep and Raymond, who voted "No."

II. Senate Bill 448 - Adds fired pressure vessel to equipment regulated by Bureau of Labor. Modifies provisions for inspection, licensing, fees and regulations related to operation of such equipment. Brings hearing on such regulations under Administrative Procedure Act.

A. Sen. Raymond gave report of his subcommittee's recommendations (Items 1 and 1-A attached)

1. Subcommittee further recommended that "\$6" be deleted from page 12, line 8, and "\$4.50" inserted.

B. Committee Action:

1. Sen. Raymond moved to accept the above subcommittee amendments. On oral vote the motion carried unanimously.

VICTOR ATIYEH, CHAIRMAN
BERNARD LENT, VICE-CHAIRMAN
RUTH L. PIERCE, CLERK



OREGON STATE ARCHIVES
RECORDS OF

MEMBERS:

R. F. CHAPMAN
EDWARD N. FADELEY
JOHN J. INSKEEP
RAPHAEL R. RAYMOND
GLEN M. STADLER

HB 1340

STATE OF OREGON

SENATE COMMITTEE ON LABOR AND INDUSTRIES
401 STATE CAPITOL, TEL. 364-2171, EXT. 1744
SALEM, OREGON 97310

MEMORANDUM

Date: May 1, 1967
To: Ways and Means Committee
From: Victor Atiyeh, chairman, Senate Committee on
Labor and Industries
Subject: HB 1340

By action of the Senate Committee on Labor and Industries, we are asking you to consider adding to the Bureau of Labor's budget an item to cover the cost of HB 1340.

It has been estimated by the Department that \$37,000 would be required.

The Committee wishes to take action on this measure Monday, May 8.

We understand that this has not come before you at this point, and we would like your consideration prior to the time that our committee acts.

NORTHWEST CANNERS AND FREEZERS ASSOCIATION

P.O. BOX 02164 - PORTLAND, OREGON 97202

500 MAN-DAY CRITERIA SURVEY

April 13, 1966

Farms and Acres Reported

	<u>Totals</u>	<u>Pole Beans</u>	<u>Straw- berries</u>	<u>Cane- berries</u>	<u>Tree Fruits</u>	<u>Other Crops</u>
FARMS REPORTED	254	114	129	90	80	220
ACRES	41,401	3846	2200	1663	2281	31,411
<u>UNDER 500 MAN-DAYS</u>						
No. of Farms	118	30	47	34	40	97
Percent of Farms	46.5	26.3	36.5	37.8	50.0	44.0
Acres	10,660	539	606	314	771	8430
Percent of Acres	25.8	14.0	27.5	18.9	33.8	26.8
Average Acres per Farm	90.5	17.9	12.9	9.2	19.2	87
<u>OVER 500 MAN-DAYS</u>						
No. of Farms	136	84	82	56	40	123
Percent of Farms	53.5	73.7	62.5	62.2	50.0	56.0
Acres	30,741	3307	1594	1349	1510	22,981
Percent of Acres	74.2	86.0	72.5	81.1	66.2	73.2
Average Acres per Farm	225.6	39.4	19.4	24.1	37.7	186.8

MAN-DAYS REPORTED				
	- Piece Rate -			
	<u>Total</u> <u>Man-Days</u>	<u>Local Commuters</u> <u>Under 13 weeks</u>	<u>Migratory</u> <u>Workers</u>	<u>Workers Other</u> <u>Than Piece Rate</u>
Reported by all Farms	949,630	476,842	295,310	177,478
Reported by Farms Under 500 Man-Days	151,448	125,978	6608	18,862
Percent of Total	16.0	26.3	2.2	10.6
Reported by Farms Over 500 Man-Days	798,182	350,864	288,702	158,616
Percent of Total	84.0	73.7	97.8	89.4

SOURCE: Oregon Farm Bureau Federation